code of federal regulations

GS 4.108: 49/pt.1300-end/981 MF

Transportation

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49

PART 1300 TO END
Revised as of October 1, 1981

022-003-94701-9

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code of federal regulations

Transportation

49

PART 1300 TO END

Revised as of October 1, 1981

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Cite this Code CFR

thus: 49 CFR 1300.0

Explanation

The Code of Federal Regulations is a codification of the general and permanent rules published in the Federal Register by the Executive departments and agencies of the Federal Government. The Code is divided into 50 titles which represent broad areas subject to Federal regulation. Each title is divided into chapters which usually bear the name of the issuing agency. Each chapter is further subdivided into parts covering specific regulatory areas.

ISSUE DATES

Each volume of the Code is revised at least once each calendar year and issued on a quarterly basis approximately as follows:

Title 1 through Title 16	as of January 1
Title 17 through Title 27	as of April 1
Title 28 through Title 41	as of July 1
Title 42 through Title 50	as of October 1

The appropriate revision date is printed on the cover of each volume.

LEGAL STATUS

The contents of the Federal Register are required to be judicially noticed (44 U.S.C. 1507). The Code of Federal Regulations is prima facie evidence of the text of the original documents (44 U.S.C. 1510).

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Each volume of the Code contains amendments published in the Federal Register since the last revision of that volume of the Code. Source citations for the regulations are referred to by volume number and page number of the Federal Register and date of publication. Publication dates and effective dates are usually not the same and care must be exercised by the user in determining the actual effective date. In instances where the effective date is beyond the cut-off date for the Code a note has been inserted to reflect the future effective date.

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JOHN E. BYRNE,
Director,
Office of the Federal Register.

October 1, 1981.

THIS TITLE

Title 49—Transportation is composed of eight volumes. The contents of these volumes represent all current regulations codified under this title of the CFR as of October 1, 1981.

The parts in these volumes are arranged in the following order: Parts 1-99, Subtitle A—Office of the Secretary of Transportation; Parts 100-177 and Parts 178-199, Chapter I—Research and Special Programs Administration (DOT); Parts 200-399, Chapter II—Federal Railroad Administration (DOT), and Chapter III—Federal Highway Administration (DOT); Parts 400-999, Chapter IV—Coast Guard (DOT), Chapter V—National Highway Traffic Safety Administration (DOT), Chapter VI—Urban Mass Transportation Administration (DOT), Chapter VIII—National Transportation Safety Board, and Chapter IX—United States Railway Association; Parts 1000-1199, Parts 1200-1299, and Part 1300 to End, all Chapter X—Interstate Commerce Commission.

All volumes except Parts 1-99 contain redesignation tables. In the volume containing Parts 100-177 see § 172.101 for the Házardous Materials Table. Parts 200-399 of this title contains the Federal Motor Carrier Safety Regulations, and a Subject Index to these regulations follows Chapter III. The Federal Motor Vehicle Safety Standards appear in Part 571.

For this volume Roger Pacella was Chief Editor, assisted by Alomha S. Rowland. The Code of Federal Regulations publication program is under the direction of Martha B. Girard, assisted by Robert E. Jordan.

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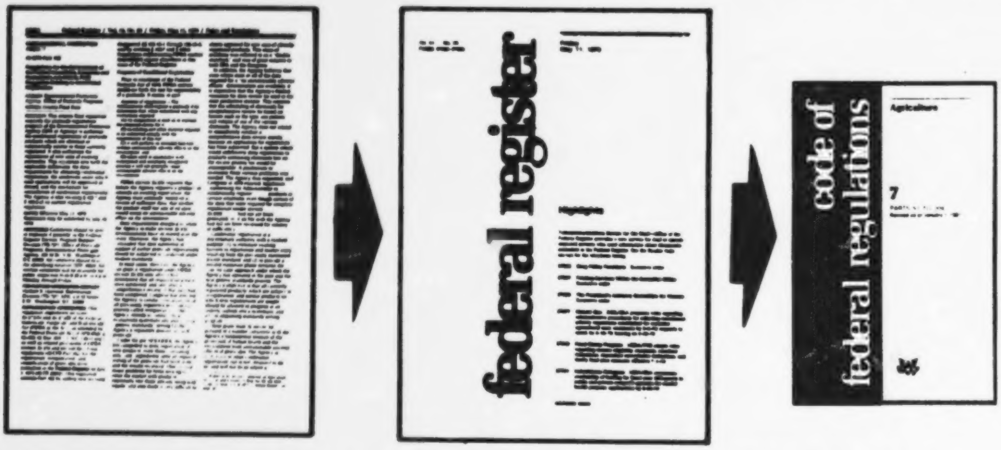

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Title 49—Transportation

(This book contains Part 1300 to End)

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(Continued)

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SUBCHAPTER D—TARIFFS AND SCHEDULES

PARTS 1300–1319—PASSENGER AND FREIGHT TARIFFS AND SCHEDULES

PART 1300—FREIGHT TARIFFS; RAILROADS, WATER CARRIERS, AND PIPELINE COMPANIES SUBJECT TO SECTION 6 OF THE INTERSTATE COMMERCE ACT AND CARRIERS JOINTLY THEREWITH

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AUTHORITY: Sec. 12, 24 Stat. 383, as amended, 49 Stat. 546, as amended; 49 U.S.C. 12, 304, and secs. 5, 6, 24 Stat. 380 as amended, 49 Stat. 560, as amended; 49 U.S.C. 5, 6, 317, unless otherwise noted.

SOURCE: 32 FR 20510, Dec. 20, 1967, unless otherwise noted.

NOTE: So far as water carriers are concerned, this part is applicable to the construction and filing of tariffs covering the transportation of property which was subject to the Interstate Commerce Act prior to January 1, 1941. This part also covers water common carriers of property which prior to that date were not subject to the jurisdiction of the Interstate Commerce Commission or the Maritime Commission but which elect to file tariffs conforming to the provisions of this part instead of under Part 1308 of this chapter.

CROSS REFERENCES: For air carrier and commercial operator certification and operations, see 14 CFR, Chapter I, subchapter G.

For other regulations applicable to the construction and filing of tariffs and schedules of water carriers of property subject to the Interstate Commerce Act, see Part 1308 of this chapter.

§ 1300.0 General provisions; definitions.

(a) *General application; conformation to rules; reissue.*

(1) This part governs the construction and filing of freight rate tariffs and classifications of (i) railroads, water carriers and pipeline companies subject to our jurisdiction, and their regulated joint rates and through routes with motor and domestic water carriers; (ii) joint rates and through routes of railroad, water, freight forwarder, and pipeline carriers subject to our jurisdiction on the one hand, and nonvessel or vessel-operating common carriers by water engaged in the foreign commerce of the United States, as defined in the Shipping Act, 1916, on the other hand, for the transportation of property between any place in the United States and any place in a foreign country; and (iii) joint rates and through routes of freight forwarders with railroads. See 1300.67 1300.67(b)

(2) All tariffs filed on or after October 1, 1928, except as otherwise provided in this part or unless otherwise authorized by special permission of the Commission, must conform to the rules in this part. The Commission may direct the reissue of any tariff, power of attorney, or concurrence at any time.

CROSS REFERENCE: For filing tariffs, see § 1300.13. For provisions covering statutory notice, additional procedure in filing tariffs, rejection of tariffs or schedules, see § 1300.14. For provisions concerning powers of attorney and concurrences, see §§ 1300.17 to 1300.26, inclusive.

(b) *Definitions*—(1) *Local rate.* The term "local rate," as used in this part, is construed to mean a rate that extends over the lines of one carrier only.

(2) *Local tariffs.* "Local tariffs" are those which contain "local rates."

(3) *Joint rate.* The term "joint rate," as used in this part, is construed to mean a rate that extends over the lines of two or more carriers and that is made by arrangement or agreement between such carriers and evidenced by concurrence or power of attorney.

(4) *Joint tariffs.* "Joint tariffs" are those which contain "joint rates."

CROSS REFERENCE: For joint tariffs issued by joint agents, see § 1300.18(e).

(5) *Through rate.* The term "through rate" is construed to mean the total rate from point of origin to destination. It may be a local rate, a joint rate, or a combination of separately established rates.

[32 FR 20510, Dec. 20, 1967, as amended at 38 FR 16231, June 21, 1973; 46 FR 35517, July 9, 1981]

§ 1300.1 Form size, and arrangement.

(a) All tariffs and supplements thereto must be in book, pamphlet, or loose-leaf form of size 8 by 11 inches, and must be plainly printed on hard calendered or No. 1 machine finished book paper of durable quality using type of size not less than 8-point bold or full face, except as provided in § 1300.3(b) as to ICC number and § 1300.9(k) as to vacation notice and except further that not less than 6-point bold-face type may be used for reference marks, for explanation of reference marks when such explanation appears on the page on which such reference marks appear, and for column headings and other places where only a few words are used continuously. Stereotype, planograph, or other similar durable process may be used, provided the copies posted and filed are clear and legible in all respects. Reproductions by hectograph or similar process, typewritten sheets or proof sheets must not be used for posting or filing. Alterations in writing or erasures must not be made in tariffs filed with the Commission or posted at stations.

(b) A margin of not less than five-eighths of an inch without any printing thereon must be allowed at the binding edge of each tariff. When rates, rate basis numbers, or numerals used for other purposes are shown in tables, the page shall be ruled from top to bottom. When not more than three figures or letters, including reference characters, are employed, the columns shall be not less than one-fourth of an inch in width with a correspondingly greater width when more than three figures or letters, including reference characters, are employed. In such tables a break in the printed matter of at least one space across the page or a ruled line shall appear after each sixth line or less.

§ 1300.2 Changes to be indicated in tariff or supplement.

(a) *Symbols.* (1) All tariff publications and supplements thereto must indicate changes thereby made in existing rates or charges, rules, regulations or practices, or classifications by use of the following uniform symbols in connection with such changes:

● to indicate reductions.
♦ to denote increases.
▲ to denote changes in wording which result in neither increases nor reductions in charges.

(2) Explanation of such symbols must be provided in the tariff or supplement in which used, and these symbols shall not be used for any other purpose.

(3) When a change of the same character is made in all or in substantially all rates in a tariff or supplement, or a page thereof, that fact and the nature of such change may be indicated in distinctive type at the top of the title page of such issue, or at the top of each page, respectively, in the following manner, "All rates in this issue are increases," or "All rates on this page are reductions except as otherwise provided in connection with the rates." Under this paragraph of the rule a bold-face dot, "•" must be used to symbolize a rate in which no change has been made. This symbol must not be used for any other purpose.

(4) Changes resulting in increases which are not identified by proper symbols shall be considered unlawfully published and filed and therefore invalid and not collectable. In such cases, the lawful provisions will be those which were purportedly superseded. Invalid provisions shall be canceled by publications which shall bring forward, or properly amend, provisions which have remained in effect by reason of invalid publication.

(b) *Omissions from previous tariff.* When a tariff or supplement canceling a previous issue omits points of origin or destination, or rates, ratings, rules or regulations, or routes which were contained in such previous issue, the new tariff or supplement shall indicate the cancellation in the manner prescribed in § 1300.8(e), and if such omissions effect changes in charges or services that fact shall be indicated by the use of the uniform symbols prescribed in paragraph (a) of this section.

(49 U.S.C. 10762)

[32 FR 20510, Dec. 20, 1967, as amended at 45 FR 60439, Sept. 12, 1980]

§ 1300.3 Content of tariff title page.

The title page of every tariff and of every supplement shall show in the order named:

(a) [Reserved]

(b) On the upper right-hand corner, the ICC identification. Prior to March 1, 1979, tariffs may use either one of two systems of identification, subject to certain restrictions. One is the numbering system whereby each carrier and agent numbers each new issue consecutively. The other is the system employing both alphabetical characters (the code signifying the issuing carrier or agent or, in some instances the kind of tariff—see § 1300.31(c)(2)(ii)) and numbers (the carrier's or agent's own tariff number including a suffix letter, if any). See § 1300.31—ICC Numbering Systems for details. The first is referred to in these rules as the "ICC number" and the other, while also an ICC number, is differentiated by referring to it as "standard ICC designation." In either case the type shall be bold-face and of not less than 12 point. Immediately under this designation or number, in smaller type, shall be shown the ICC designation or ICC number (and letter, if any) of each tariff or the number of each supplement canceled thereby. If the number of canceled publications is so large as to render it impracticable to thus enter them on the title page, they must be shown immediately following the table of contents, provided specific reference thereto is entered on the title page directly under the ICC designation or number. Carrier's serial numbers, if desired, may be entered below the upper marginal line of a title page showing an ICC number (not standard ICC designation).

(c) Corporate name of issuing carrier or name of agent issuing under power of attorney. (See § 1300.4(b).)

(d) Whether tariff or supplement contains local, joint, proportional, export, or import rates, or any combination of such rates; whether it contains class or commodity rates or both; and whether it contains all-rail, rail-motor, all-water, or rail-water rates, or any combination of such rates.

(e) The territory or points from and to which the tariff or supplement applies, briefly stated by Territories, States, points, or carriers. Where the publication contains both specific and distance or mileage rates, the title-page description must include the application of the distance or mileage rates as well as that of the specific rates. (See § 1300.4(d).)

(f) (1) Reference by name and I.C.C. number to the classification, exceptions thereto and/or rules circular, if any, governing the tariff. One of the following forms modified as required shall be used.

Governed, except as otherwise provided herein, by the —— classification, —— I.C.C. No. —, by exceptions thereto, —— I. C. C. No. —, and by supplements to or successive issues of said publications,

or

Governed, except as otherwise provided herein, by (here insert common or popular name of governing classification) and by exceptions thereto, as described in Item —

(2) Use of the short form title page reference as provided in (ii) is on condition that complete and formal description of the governing publication(s) be made in the numbered item to which reference is made on the title page.

(3) A tariff is not governed by a classification, classification exceptions, or rules circular, except when and to the extent stated on or in the tariff.

(g) Date of issue and date effective. A provision in a tariff or supplement that the same or any part thereof, will expire with a given date, is not a guaranty that the tariff or supplement, or such part of it, will remain effective until and including that date. Such provision if used, will be held to mean that the tariff or supplement, or specified part of it, will expire with the date named, unless the date is changed on statutory notice, or under authority of special permission of the Commission. In such tariffs or supplements the term "Expires with (date) ————, unless sooner canceled, changed or extended" must be used. The term "Expires with close of business" on a named date must not be used.

(h) On every tariff or supplement in which all the rates, rules, or regulations are made effective on less than 30 days' notice under authority of the Commission, notation that it is issued on ———— days' notice under authority of ———— (here show the authority).

CROSS REFERENCE: For exceptions to general effective date, see § 1300.9(d).

(i) At the bottom of the title page—name, title and mail address of the individual actually responsible for compiling and filing the schedule. If the tariff is issued by a natural person as agent, his name must be shown with the title of "Agent." If issued by a corporation or association as agent, the name and title of the person responsible for the actual compilation and filing must be shown.

(Sec. 310a, 5 U.S.C. 553, 558; 49 U.S.C. 20, 310a, 318, 319, 904, 906, 1003, 1005, 1013; sec. 20, 24 Stat. 386; 49 Stat. 561, 563; sec. 210a, 52 Stat. 1237, 1238; secs. 304, 306, 54 Stat. 933, 935; secs. 403, 405, 413, 56 Stat. 285, 287, 295; 80 Stat. 378)

[32 FR 20510, Dec. 20, 1967, as amended at 43 FR 8531, Mar. 2, 1978]

§ 1300.4 Content of tariffs.

Tariffs shall contain in the order named:

(a) *Table of contents.* A full and complete statement, in alphabetical order, of the exact location where information under general headings, by subjects, will be found, specifying page or item numbers. If a tariff contains so small a volume of matter that its title page or its interior arrangement plainly discloses its contents, the table of contents may be omitted.

(b) *Names of participating carriers.* A list, alphabetically arranged, of the correct names of all carriers participating therein, together with the form and number of power of attorney or certificate of concurrence. If there be not more than 10 participating carriers, their names and power of attorney or concurrence forms and numbers may be shown on the title page. Reference to the forms and numbers of powers of attorney and concurrences may be omitted provided this information is furnished to the Commission in an acceptable form.

CROSS REFERENCE: For provisions concerning powers of attorney and concurrences, see §§ 1300.17 to 1300.26, inclusive.

(c) *Index of commodities.* (1) A complete index, alphabetically arranged, of all articles upon which commodity rates are named therein, together with reference to each item (or page) where such article is shown. When nouns are not sufficiently distinctive, articles shall also be indexed under their adjectives. All of the entries relating to different kinds or species of the same commodity shall be grouped together. For example, all items of coal "Coal," and descriptive word or words following, as "Coal, anthracite," "Coal, bituminous," etc.

(2) When articles are grouped together in one list under a generic heading as authorized in paragraph (i)(8) of this section, such generic heading shall be shown in the index and opposite thereto shall be shown reference to each item (or page) where the generic term is used. Each article in the list must be shown separately in its proper alphabetical order in the index, together with reference to each item (or page) where such article is shown by name, but reference to the items (or pages) containing rates applying on the complete list may be omitted provided reference is given to the generic heading as it appears in the index or to an item in that tariff which contains a complete list of the articles covered by the generic term or to the ICC number of a separate tariff which contains such list.

(3) If all of the commodity rates to each destination in a general commodity tariff or a combined class and commodity tariff are arranged in alphabetical order by commodities, the index of commodities may be omitted from that tariff.

CROSS REFERENCE: For commodity-list tariffs see § 1300.6.

(d) *Index of stations.* (1) An alphabetical index of all points from which rates apply, and a separate alphabetical index of all points to which rates apply together with the names of the States or Territories in which located, except that when the rates apply in both directions between all or substantially all of the stations, the points of origin and destination may be shown in one index. Such index or indexes must contain the item numbers in which rates from or to such points appear, except that when station numbers are arranged in numerical order or when stations are alphabetically arranged in commodity items, and such commodity items are referred to in the commodity index prescribed by paragraph (c) of this section, item numbers and page numbers may be omitted from the index of points. When item numbers are not used the index or indexes must contain the index numbers of the points and the pages on which rates from or to such points will be found, except that when the index numbers are arranged in the rate tables in numerical order the page numbers may be omitted from the index. If there be not more than 12 points of origin or 12 points of destination, the name of each, if practicable, may be shown in alphabetical order on the title page of the tariff and the index of such points of origin or destination, as the case may be, may be omitted.

(2) If rates are shown in the tariff by territorial groups, such as "Colorado common points," "Chicago and points taking the same rates," or "Chicago and points taking the same rates and arbitraries or differentials to be added to or deducted therefrom," the indexes of points of origin and destination required by the paragraph (d)(1) of this section must show for each point in such groups the railroad on which it is located and the group to which it is assigned, except that where reference is made to a separate publication as provided in § 1300.15 for lists of points

in such groups, such points may be omitted from the indexes, *Provided*, That (i) there is shown in the table of contents specific reference to the item or page which gives ICC reference to the separate publication, and (ii), if the tariff contains any index of stations, there is shown at the head of such index ICC reference to the separate publication.

(3) If points of origin or of destination are shown throughout the tariff of rates, or throughout one or more sections of such tariff, alphabetically by States, and such States are alphabetically arranged, or if points of origin or of destination are shown throughout the tariff of rates in continuous alphabetical order no index of such points of origin or of destination will be required. But when such alphabetical arrangement in the tariff is used, the table of contents must refer to the pages on which points are shown and when arranged by States must give reference to the pages on which rates from or to points in each State will be found.

(4) When rates are shown in a tariff by geographical arrangement of stations, index numbers must be shown in connection with each station and in the alphabetical index of stations.

(5) If rates are shown in a tariff by geographical grouping of station index numbers, the alphabetical index of points of origin and of destination must show for each point the railroad on which it is located and the proper station number, and the tariff must contain a geographical list of stations in the order named in the rate tables, or refer by ICC number to a separate publication filed in accordance with §§ 1300.10(i) or 1300.15 which contains such geographical list of stations with corresponding station numbers. The station index number must follow the name of the station in the alphabetical index of stations and must precede the name of the station in the geographical list in all tariffs containing such list of stations.

(6) When the application of a tariff is extended to cover additional points by an intermediate rule as authorized in § 1300.27 or when the points in a tariff are arranged by States as authorized in paragraph (j) of this section, no index of such points need be shown.

(e) [Reserved]

(f) *List of exceptions.* List of exceptions, if any, to the classification or classification exception tariff or tariffs governing the tariff.

(g) *Explanatory statements.* Such explanatory statements in clear and explicit terms regarding the rates and rules contained in the tariff as may be necessary to remove all doubt as to their proper application.

(h) *Rules governing the tariffs.* (1) Rules and regulations which govern the tariff, the title of the subject of each rule or regulation to be shown in distinctive type. Under this head all of the rules, regulations, or conditions which in any way affect the rates named in the tariff shall be entered, except as otherwise provided in this part. A special rule affecting a particular item or rate must be specifically referred to in such item or in connection with such rate.

(2)(i) Each rule or regulation shall be given a separate number. Where the following subjects are to be provided for in tariffs, the rules covering them shall bear the titles indicated and be assigned the item numbers indicated. If a title includes subjects not treated in the rule, those subjects may be eliminated from the title.

Item and Title

5 Description of Governing Classification, Exceptions and Rules Tariffs
10 Station List and Conditions
15 Explosives, Dangerous Articles
20 Reference to Tariffs, Items, Notes, Rules, etc.
25 Terminal or Transit Privileges or Services
30 Perishable Freight
35 Transfer Between Connecting Carriers
40 Consecutive Numbers
45 Capacities and Dimension of Cars
50 Combination Rates
55 Substitution of Motor Service for Rail or Water Service
60 National Service Order Tariff
65 Proportional Rates—application
70 Alternation
75 Method of Canceling Items
80 Intermediate Application—origin
85 Intermediate Application—destination
90 Fourth Section Authorities
100 Method of Denoting Reissued Matter in Supplements
105 Straight or Mixed CL Application

(ii) A carrier or agent may assign a title and number of its choosing for matter not listed in subparagraph 2(i), provided the title and number chosen do not conflict with those listed.

(iii) If a title in paragraph (h)(2)(i) of this section does not properly identify a rule's content, qualifying words, phrases or subtitles may be added. When qualifying words or phrases are used, the precribed title shall be followed by a dash and the added words, for example: "Alternation—C. L. Rates—Varying Minimum Weights." Subtitles or references to excepted classification rules shall follow the title.

(iv) When it is necessary or practicable to split a rule into two or more parts, the prescribed item number may be subdivided. The first part of the rule (which shall contain the general or master rule, if any) must be assigned the prescribed item number without a numerical suffix. Each subdivision shall be assigned a compound number, which shall be constructed by use of the prescribed number followed by a decimal, or a hyphen then a new series of numbers, for example: item 70.1, 70.2, 70.3, etc., or 70-1, 70-2, 70-3, etc., in numerical sequence. Each subdivision must show the prescribed title.

(v) Exceptions to a rule may be included in the general rule or arranged in items immediately following the rule to which exception is taken. In the latter case, exception items are to use the standard item number of the general rule followed by a suffix—for example, exceptions to item 85 would use items 85.1, 85.2, etc., or 85-1, 85-2, etc.

(vi) Tariffs subject to the provisions contained in § 1300.67 are not subject to the requirements of this subparagraph.

(3) Except as provided in §§ 1300.7(c), 1300.27, no rule or regulation shall be included which in any way or in any terms authorizes substituting for any rate named in the tariff a rate found in any other tariff, nor shall any rule be provided to the effect that traffic of any nature will be "taken only by special agreement" or other provision of like import.

(4) Where it is not desirable or practicable to include the governing rules and regulations in the rate tariff, such rules and regulations may be separately published in tariffs filed by an individual carrier or by an agent. A carrier may have not more than two such rules tariffs, one published by an individual carrier and the other by an agent, except as follows:

(i) A carrier operating in more than one rate territory may have two such tariffs (one by an agent and one by a carrier) for each of such territories. The rate territories to which reference is here made are: New England, trunk line, central, southern, western trunk line, and southwestern territories, and all of western territory not embraced in southwestern or western trunk-line territories.

(ii) The following tariffs will not be counted in applying the provisions of this section: Tariffs containing exclusively rules, regulations, and/or charges applying to the special services covered by § 1300.10(a); classification and classification exception tariffs authorized in § 1300.16; territorial directories, rate bases, and billing books authorized in § 1300.15; tariffs containing rules and regulations governing the transportation of explosives and other dangerous articles; tariffs containing list of stations showing facilities, billing instructions, etc., as authorized by § 1300.10(i); tariffs containing information with respect to freight cars required by § 1300.10(j); and tariffs containing exclusively provisions governing the terminal applications of rates to or from large terminal districts such as New York and Chicago.

(5) Separate publications may be made of the rules and regulations pertaining to a specific commodity to which reference by ICC number may be made in tariffs that contain rates on that commodity only, provided the general rules circular published under this section shall also contain a reference as follows:

For rules and regulations applying on—— (here name commodity) see ICC No.—.

(6) When rules or regulations are thus separately published, rate tariffs may be made subject thereto only by

specific ICC reference in the rate tariff. This reference should be made in substantially the following form:

> Governed, except as otherwise provided herein, by rules and regulations shown in —— ICC No. —, supplements thereto or successive issues thereof.

(7) When tariffs of joint rates make reference to separate publications for governing rules and regulations such separate publications must be concurred in by all of the carriers parties to such joint rates.

(8) Tariffs which contain rates for the transportation of explosives and other dangerous articles must also contain the hazardous materials regulations of the Department of Transportation governing the transportation thereof, or must bear specific reference to the ICC number of the publication which contains such rules and regulations. When the latter plan is adopted, the tariff referred to shall contain no matter other than the regulations promulgated by the Department of Transportation.

(i) *Rates.* (1) A statement of the rates and the places from, to, and between which they apply, arranged in a simple and systematic manner. At least one of the rates shall be explicitly stated (per 100 pounds, ton, car or other unit) in dollars and cents in lawful money of the United States. Other rates in the tariff may be expressed as percentages of the stated rates, provided that the tariff clearly explains how to compute the other rates, including how to dispose of fractions. A rate may not be expressed as a fraction or multiple of another rate or as a percentage of another rate which is itself expressed as a percentage.

(2) Insofar as possible such rates should be subdivided into small sections (by items, index numbers, or similar method) to each of which should be assigned an identifying number to facilitate reference thereto.

(3) If all rates in a tariff are stated in the same unit, that fact may be indicated on the title page immediately in connection with the application of the tariff. Tariffs containing rates per ton must state that rates apply per ton of 2,000 pounds or per ton of 2,240 pounds as the case may be. Where rates are stated in amounts per package definite specifications of the packages on which such rates apply must be shown or reference must be made to the ICC number of a publication containing such specifications.

(4) A tariff may provide rates from or to designated points by the addition or deduction of arbitraries or differentials, from or to rates shown therein from or to base points, but provision for the addition or deduction of arbitraries or differentials must be shown either in connection with the base rate or in a separate item which must specifically name the base point. (See § 1300.15.)

(5) A tariff also may contain through rates made by combination on a base point when the factors are subject to different minimum weights or other conditions which affect the measure of the charge, provided the base point is named, the factors are shown immediately in connection with each other, and the conditions to which each factor is subject are shown in connection with each factor, except that each factor may refer to the governing classification or exceptions for such conditions. When all the conditions governing the separate factors are the same, this method of publication must not be used.

(6) A tariff may provide rates via water or rail-and-water routes by the deduction of arbitraries or differentials from the all-rail rates from and to the same points published in the same tariff.

(7) Minimum weights governing the application of commodity rates must be specifically stated in immediate conjunction with such rates or shown in such manner as will avoid an extensive search therefor, except as provided in paragraph (i)(8) of this section, and excepting also that reference may be made to the appropriate rule of the governing classification or exceptions tariff for carload minimum weights graduated according to the length or capacity of the car or for carload minimum weights on shipments in tank cars. Minimum weights for mixed carload shipments may be provided for in rules authorizing such mixtures.

(8) An item of a commodity tariff may provide rates on a group of relat-

ed articles by means of a generic description and without naming the individual articles, provided such item refers to another item of the same tariff or to another tariff (as authorized by §§ 1300.6(a) and 1300.10) which contains under an identical generic description a complete list of the articles included; for example, "Iron and steel articles as described under that heading in Item —— of —— (Tariff) ICC No. ——." Where cross reference is made to a list of commodities on which rates apply (as authorized in the preceding sentence), the minimum weight (or weights) governing the application of the rates may be omitted from the commodity-rate item and published with the list of commodities to which reference is made, provided the commodity-rate item specifically states that the minimum weight (or weights) will be found in the list of commodities referred to.

(9) If a carrier (not an agent) publishes, either for itself or jointly with other carriers, a tariff containing only commodity rates on a single commodity or a group of related commodities, it must include therein all commodity rates which it (not an agent) publishes on the same article or articles from the same points of origin to the same destination area. If additional commodity rates, local or joint, are published for it by an agent on the same article or articles from any of the same points of origin to other points in the same destination area, the individually-published commodity tariff must so state and make reference to the agency tariff in which the additional rates are published.

(10) A general commodity tariff or a combined class and commodity tariff shall contain reference to other tariffs in which rates on other commodities are published from any point of origin to any point of destination named therein via the same route. Such reference shall include the ICC number or numbers of such other tariff or tariffs with a brief description of the character of traffic and territory or points of origin and of destination and may be shown in the index, or in alphabetical order in the rate tables, or in a separate list arranged alphabetically by commodities, such list to be specifically referred to in the table of contents. For example, "Staves, from —— to ——, —— ICC No. ——." Carriers' tariff numbers may also be shown. The publication of class or commodity rates which duplicate or conflict with the rates published in some other tariff via the same route is not permissible and except as otherwise authorized in §§ 1300.7, 1300.10(g) and 1300.27, the publication of a statement in a tariff to the effect that the rates published therein take precedence over the rates published in some other tariff, or that the rates published in some other tariff take precedence over the rates published therein, is hereby prohibited.

(11) Rates and liability based on value. (Applies only to rail common carriers.) A tariff may contain released-value rates, established without prior Commission authority, under which the liability of the carrier is limited to a value established by written declaration of the shipper or by written agreement between carrier and shipper. Such rates must be clearly identified as applying only when (i) a certain value of the tendered property is declared by the shipper at the time of shipment on the bill of lading, or (ii) when the property is tendered under the terms of a contract entered into under 49 U.S.C. 10713 and such contract contains an agreement that the carrier's liability will be limited to a certain value.

(j) *State grouping.* (1) A tariff naming rates from origins in not less than 20 States or to destinations in not less than 20 States may provide the same rates (i) from or to all points in a State or Territory located on the lines of the carriers parties to the tariff, or (ii) from or to all points (except points named) in a State or Territory located on the lines of the carriers parties to the tariff without naming such points in the tariff, provided reference is made by ICC number to a separate publication (not another rate tariff) such as authorized in § 1300.10(i) or § 1300.15, containing a list of stations arranged in geographical order with an index, or in alphabetical order, which list shall include all the points in the State or Territory, together with the State and railroad location of each.

(2) Neither of the above plans may be used unless the carriers parties to the tariff reach at least 90 percent of the steam-railroad freight stations in the State or Territory. When the plan set forth in (2) is used, the list of points excepted must be shown in alphabetical order and may not exceed one-fourth of the number of points in the State or Territory on the lines of the carriers parties to the tariff.

Example: A tariff may state that it applies from all points in New York on the lines of the carriers parties to the tariff, from all points in Delaware on the lines of the carriers parties to the tariff, except (here give alphabetical list of excepted points), and from the following points in Ohio (here give alphabetical list of such Ohio points). (See § 1300.4(d).)

(3) When origin points in a tariff are provided in accordance with this section, intermediate application rules as authorized in § 1300.27 may not be made applicable in connection with such origins; and when destinations are so provided, an intermediate rule may not be used in connection with such destinations.

(k) *Routing.* (1) Routing over which the rates apply, stated in such manner that such routes may be definitely ascertained.

This must be accomplished by one of the following plans: (i) By providing that the rates in the tariff apply only via the routes specifically shown therein, or (ii) by providing that the rates apply via all routes made by use of the lines of the carriers parties to the tariff except as otherwise specifically provided in the tariff.

When it is desired to follow the plan listed in paragraph (k)(1)(i) of this section and provide complete routing for all rates shown in the tariff, the following notation must be shown in the tariff under the heading "Routing instructions":

The rates herein apply only via the routes specified on pages (or in items —).

When it is desired to use the plan listed in paragraph (k)(1)(ii) of this section and provide complete routing for some but not all of the rates in the tariff, or incomplete routing for all of the rates, the following notation must be included in the tariff under the heading "Routing Instructions":

The rates herein apply via all routes made by use of the lines of any of the carriers parties to this tariff, except as otherwise specifically provided on pages —, in individual rate items, or in connection with individual rates.

The exceptions referred to in the notation shown next preceding may be provided either by showing affirmative routing, viz, a statement of routes (for one or more carriers, for all or a part of the route) together with a definite statement that the rates apply between such points and for account of such carrier or carriers only via the route or routes specified; and/or by showing negative routing, viz, a statement of routes (for one or more carriers, for all or a part of the route) via which the rates do not apply.

Note: This section does not authorize departures from the long-and-short-haul provisions of the fourth section of the act.

In lieu of showing in rate tariffs the affirmative routes provided in the plans listed in paragraphs (k)(1)(i) and/or (ii) of this section such affirmative routes may be published in a separate publication (or publications) filed either by a carrier or by an agent, and specific ICC reference must be made in the rate tariff to such guide. Such a separate publication will hereinafter be designated as a "Routing guide," and may be used only in accordance with the provisions of paragraphs (k)(2)-(5) of this section.

(2) When in a tariff containing joint rates it is desired to refer to a routing guide or guides for all of the routes, the following notation shall be used:

The rates herein apply only via the routes of the carriers parties to this tariff specified in —— ICC No. ——, supplements thereto or successive issues thereof.

When in a tariff containing local rates it is desired to refer to a routing guide for all of the routes, an appropriate modification of the notation shown next above shall be used.

When it is desired to refer to a routing guide or guides for routes in connection with some but not all of the rates in a tariff, or for routes for account of some but not all of the carriers parties to the tariff, an appropriate notation in lieu of those above set forth shall be used. When it is desired to provide that certain rates published in a tariff will not apply via all the routes shown in a routing guide to which the rate tariff is made subject, the rate tariff must show clearly what routes in the routing guide are not applicable, or are the only routes applicable, in connection with such rates. When a tariff which refers to a routing guide also shows routes, it must show clearly whether the routes named therein are in addition to the routes shown in the routing guide or are the only routes via which the rates will apply. No one rate may be made subject to more than one routing guide for account of any initial carrier except that (i) a subsidiary or small carrier which connects with two or more parent or connecting carriers may authorize each of such parent or connecting carriers to publish its routes via each of such carriers and its joint rates may be made subject to the routing guides of each of such carriers for routes via which rates apply via their respective lines; (ii) interterritorial rates from one of the major rate traffic territories (New England, trunk line, central, southern, western trunk line, and southwestern territories, and all of western territory not embraced in southwestern or western trunk line territories), to another of such territories, may be made subject to one guide for each of such territories in which it applies; and (iii) where complete through routes are shown in connection with joint rates (either in the rate tariff or in a routing guide or guides to which it is subject), such rates may be made subject to the separate routing guides of any of the carriers parties thereto for internal routing over their respective lines. An interterritorial or intraterritorial routing guide may contain reference to the ICC numbers of the tariffs of carriers parties thereto containing internal routing. When this is done, joint tariffs of rates which are subject to such interterritorial or intraterritorial guides may refer to such interterritorial or intraterritorial guides for internal routing over the lines of the carriers parties to the joint rates.

(3) A routing guide must contain three sections, (i) an alphabetical list of all of the points from and to which routes are provided, with the railroad location of each point which is served by more than one carrier, together with an index number for each of such points, (ii) a table containing the points from which routes apply, the points to which routes apply (or between which routes apply), and the numbers of the routes provided from and to (or between) such points, and (iii) a table containing all the route numbers in numerical order with a full statement of the route opposite each of such numbers.

In paragraph (k)(3)(ii) of this section the points from, and the points to (or the points between), which routes are provided must be arranged in geographical order. The names of such points must be shown in paragraph (k)(3)(ii) of this section unless a geographical list of stations is included in paragraph (k)(3)(i) of this section as part B thereof, or reference is made to the ICC number of a separate publication filed in accordance with §§ 1300.10(i) or 1300.15 which contains such geographical list of stations with corresponding station numbers, in which case only the index numbers need be shown in paragraph (k)(3)(ii) of this section.

A routing guide must be concurred in by all carriers over whose lines routes are provided therein. Such guides must not contain exceptions to the routes provided therein. All exceptions thereto, if any, must be published in the tariffs making reference thereto.

(4) Routing guides must show on their title pages the following notation:

> The routes provided herein may be used only in connection with rates made subject thereto by specific ICC reference to this guide in the tariffs containing such rates. Its use in connection with any tariff is restricted to the carriers and to the application provided in such tariff.

(5) If desired, the following tariff provision may be incorporated under

the heading "Routing instructions" in rate tariffs:

> The rates named in this tariff will apply only via the routes and junction points authorized herein except that when in the case of pronounced traffic congestion (not an embargo), washout, wreck, or other similar emergency, or through carriers' error, carriers forward shipments via other junction points of the same carriers or via the lines of other carriers parties to the tariff, the rate to apply will be that specified in this tariff but not higher than the rate applicable via the route of movement.
>
> NOTE: If desired, the words "or via the lines of other carriers parties to the tariff" may be omitted from the emergency routing clause.

The above clause may not be shown in routing guides. Its publication in a rate tariff does not relieve carriers from the requirements of the fourth section of the act via the route used.

(l) [Reserved]

(m) *Explanation of abbreviations and reference marks.* (1) At the end of each tariff, except loose-leaf tariffs, there shall appear an Explanation of Abbreviations, followed by an Explanation of Reference Marks. Under the Explanation of Abbreviations shall appear an explanation of all abbreviations used in the tariff, except that commonly used abbreviations of State names may be omitted, and except further that the abbreviations of the names of participating carriers may be explained in the list of such carriers, provided a statement to that effect is included under the Explanation of Abbreviations.

(2) Under the Explanation of Reference Marks shall appear an explanation of all reference marks used in the tariff except reference marks used only once or a few times, which shall be explained on the page or pages of the tariff on which they appear.

(3) The following reference marks shall be used, and shall only be used, for the purposes indicated:

● to denote reductions.
◆ to denote increases.
▲ to denote changes in wording which result in neither increases nor reductions in charges.
• to denote no change in rate. (See § 1300.2(a).)
• to denote prepay stations or points.
+ to denote intrastate application only.
□ to denote reissued matter. (See § 1300.9(d).)

(4) At the end of each supplement there shall likewise appear an Explanation of Abbreviations followed by an Explanation of Reference Marks. Under those headings shall be shown, subject to the exceptions stated in the preceding paragraphs of this section, an explanation of all abbreviations appearing in the supplement which were not explained in the original tariff (if explained in a prior supplement, the explanation shall be repeated); and an explanation of all reference marks appearing in the supplement.

(5) In loose-leaf tariffs an Explanation of Abbreviations followed by an Explanation of Reference Marks as provided for in this rule may be shown immediately following the index of stations.

(5 U.S.C. 553; 49 U.S.C. 10730; 10762)

[32 FR 20510, Dec. 20, 1967, as amended at 43 FR 972, Jan. 5, 1978; 45 FR 60438, 60439, Sept. 12, 1980; 45 FR 85029, Dec. 24, 1980]

§ 1300.5 Proportional rates.

Tariffs containing proportional rates must clearly and definitely show the application thereof. If the application is not restricted, such proportional rates will be useable in connection with any other applicable rates from or to the proportional rate point. It will not be permissible for a tariff to state that a proportional rate applies from (or to) points from (or to) which no through rates are published. Such a provision is not sufficiently definite to restrict the application of the rate. If a proportional rate is intended for use on traffic destined to a restricted territory such territory should be clearly defined. For example, a tariff naming a proportional rate to St. Louis intended for use on traffic destined to Kansas should state that the rates apply on traffic destined to Kansas only.

§ 1300.6 Commodity-list tariffs.

(a) A rate tariff may not refer to another rate tariff for a list of commodities on which rates apply. A separate tariff not containing rates may be filed either by a carrier or by an agent, showing under appropriate generic headings lists of commodities which are accorded common treatment for rate or other tariff purposes; and rate and other tariffs (including tariffs of classification exceptions, but not classifications) may be made subject thereto. When any commodity list consists of less than 20 articles it may not be published in a commodity-list tariff and must be published in the tariff naming the related rates or ratings. The commodities in each list shall be alphabetically arranged. Such tariffs shall be known as general commodity-list tariffs. No carrier or agent may maintain in effect at any time more than one such publication.

(b) In addition to one such general commodity-list tariff, a carrier or agent may file for the same purpose separate tariffs, each containing under an appropriate generic heading a single list of commodities (not less than 20, alphabetically arranged). Such publications shall be known as specific commodity-list tariffs. Rate and other tariffs, including tariffs of classification exceptions, but not classifications, may be made subject thereto.

(c) The title page of the tariffs authorized in this section shall contain the following: (1) In the case of the general commodity-list tariff, in large type the words "List of commodities upon which rates or other provisions affecting charges are published in tariffs making reference hereto"; and in the case of specific commodity-list tariffs, in large type the words "List of (here insert the generic description of the commodities listed in the tariffs, such as 'Iron and Steel Articles') upon which rates or other provisions affecting charges are published in tariffs making reference hereto;" and (2) in smaller type "This tariff is applicable only in connection with tariffs specifically made subject hereto." Rate or other tariffs governed by a commodity-list tariff shall, to the extent they are so governed, employ the same generic descriptions or headings as the commodity-list tariff, followed in each case by the words "as shown in Item —— of —— ICC No. ——," or language equally definite. Commodity-list tariffs shall contain no other matter than that authorized in this section, except that they may contain minimum weights as authorized by § 1300.4(i) and except further that a specific commodity-list tariff may also contain rules applicable in connection therewith.

(d) All carriers that are parties to a tariff making reference to a general or specific commodity-list tariff must also be parties to the tariff so referred to.

(e) Where a tariff contains commodity rates on a given article (termed in this paragraph the basic article) rates may be provided in the same tariff on one or more related articles either (1) by a statement that the rates for the related articles will be specified amounts more or less than the rates for the basic article between the same points, or (2) by a table showing in adjoining columns what the rate for the related articles will be when the rate for the basic article is a specified amount.

(f) When commodity rates are established, the description of the commodity must be specific and the rates thereon must not be applied to analogous articles. As far as possible, uniform commodity descriptions should be used in all tariffs.

§ 1300.7 Alternating rates.

(a) *Alternative rates or ratings subject to different minimum weight or quantity limitations.* (1) Where it is desired to provide for the alternating application of rates or ratings subject to different minimum weight or quantity limitations otherwise than as authorized in paragraph (b) or (c) of this section, the following procedures must be observed:

(i) Alternating commodity rates must be published together, that is, in the same item or on the same page of the tariff.

(ii) Alternating ratings must be published in the same item of the tariff.

(iii) There must be published in the same tariff a note or rule plainly stating, in substance, that where rates or ratings are so published the applicable rate on any given shipment will be that which, subject to the minimum attached thereto, produces the lowest charge.

(2) Commodity rates may be established on different articles for shipment in mixed carloads and will be the applicable rates for such mixtures. Minimum carload weights should be specified, together with a statement in connection with the commodity description that the rates apply when shipped in mixed carloads. Such rates may also be made applicable upon straight carloads of one or more or all of the articles by provision to that effect in connection with the commodity description. When more than one article is included in an item or commodity description the tariff must specifically state whether or not the rates apply on straight or mixed carloads or both.

(b) *Alternative use of rates in sectional tariffs.* (1) Except as authorized or required by paragraphs (a) and (c) of this section, alternation of rates may be provided by publishing such rates in different sections of a single tariff in the manner herein prescribed. When alternating rates are so provided, carriers and publishing agents shall, at frequent intervals, carefully check the rates in one section against those in other sections and make proper cancellations to avoid unnecessary alternation of rates. Alternating reference obviously should not be given to another section unless that section contains rates which in fact alternate.

(2) The first page of each section, which shall be known as the title page of the section, shall contain the number of the section and, if desired, the application of the rates published in that section. Each succeeding page of the section shall also bear the section number. The title page of each section containing alternating rates (not the non-alternating section hereinafter referred to) shall also contain the following notation:

If the charge accruing on a given shipment under section ——— or ——— of this tariff is lower than that accruing under this section, the charge accruing under section ——— or ———, whichever is lower, will apply.

(3) Where the purpose is to provide for application of the higher or highest of the alternating rates or charges, rather than the lower or lowest of such charges, the foregoing notation and other notations prescribed in this section shall be appropriately changed.

(4) Each commodity tariff or class and commodity tariff arranged in alternating sections shall also contain a section hereinafter referred to as the non-alternating section. That section shall contain only commodity rates which in all instances result in charges lower than would result from the application of the commodity rates (but not necessarily the class rates) in any other section. If the tariff contains only commodity rates, the non-alternating section shall be section 1; if the tariff contains both class and commodity rates, the class rates shall be published in a section or sections preceding the commodity sections and the non-alternating section shall be the first commodity section. The title page of the non-alternating section shall contain either of the two following notations, as appropriate:

When rates are published in this section on a given shipment, such rates will apply to the exclusion of the rates in any other section.

or

When rates are published in this section on a given shipment, such rates will apply to the exclusion of the rates in any other commodity section; but if the charge accruing on the shipment under the class rates in section ——— is lower than that accruing under this section, the charge accruing under the class rates in section ——— will apply.

(5) The title page of each other commodity section of the tariff shall contain the following notation preceding that prescribed in paragraph (b)(2) of this section:

When rates are published in section ——— (the non-alternating section) on a given shipment, such rates will apply to the exclusion of the rates in this section.

(6) The publication of alternating rates in different sections of a tariff is subject to the following restrictions: (i) that class rates in one section may alternate with class rates in only one other section, and that commodity

rates in one section may alternate with commodity rates in not more than two other sections; (ii) that rates published in another tariff may not be reproduced for purposes of alternation; (iii) that one section of a tariff may not alternate with more than three other sections; and (iv) that alternating sections may not be subdivided and, except as authorized in paragraph (a)(1) of this section, a rate in one section may not be alternated with a rate in the same section.

(c) *Alternation of commodity rates in one tariff with class rates in another tariff.* (1) Provision for the alternation of the commodity rates in a tariff containing only commodity rates with class rates published in other tariffs may be made by including a notation in the following form in the commodity tariff amongst rules governing the application of rates:

> If by use of the class rates published in the following tariffs, the charge accruing on a given shipment is lower than that accruing under the commodity rates published in this tariff, such lower charge will apply: (here show the ICC numbers of the class-rate tariffs, together with so much of the territorial application of each class-rate tariff as lies within the territorial application of the commodity tariff).

(2) If a commodity tariff contains only a few rates which result in higher charges than would accrue under the class rates, the reference to the class tariffs prescribed in this section should be shown immediately in connection with such commodity rates or may be shown in a separate item under an appropriate heading and reference to such item shown immediately in connection with the commodity rates.

(3) Great care should be exercised in describing the scope of the class tariffs in order that users of the commodity tariff may determine without examining the class tariffs, which of such class tariffs is to be used in connection with any commodity rate. It also should be understood that the alternative application of commodity rates in one tariff with class rates in another tariff should be resorted to only where there is real necessity therefor and that wherever possible the commodity rates should be revised so that they will not exceed the class rates between the same points.

§ 1300.8 Transfer and cancellation of rates.

(a) *Transfer of rates from one tariff to another.* (1) If a tariff or supplement to a tariff or a revised page is issued which is to displace a part of another tariff which is in force at the time, and which tariff is not thereby canceled in full, it shall specifically state the portion of such other tariff or such other supplement which is thereby canceled, and such other tariff shall at the same time be correspondingly amended, effective on the same date, in the regular way; that is, by reissue if tariff is of four pages or less, by reissue or supplement if tariff is of more than four pages, and by revised pages if tariff is a loose-leaf tariff. (See paragraph (e) of this section and § 1300.9(e), (k).) Such reissue, supplement, or revised page must state where rates will thereafter be found and must be filed at the same time and in connection with the tariff or supplement which contains the new rates. Cancellation may be indicated substantially as follows: "cancels ——— ICC No. ———, to the extent shown in supplement No. ——— thereto."

(2) A tariff canceling more than one tariff in whole or in part must include a brief description of such tariffs. It will not be necessary to show on a commodity tariff or supplement reference to class tariffs that may be affected, nor to show on a class tariff or supplement reference to a commodity tariff.

(3) If a tariff is canceled by the issuance of another tariff to take its place, cancellation notice must not be given by supplement, but by notice printed, in the new tariff, as provided in § 1300.3(b). (See § 1300.2(b))

(4) Cancellation of a tariff also cancels supplements to such tariff, if any in effect.

(b) *Transfer of rates from carriers' to agents' tariff and from agents' to carriers' tariff.* (1) An agent who acts under authority of power of attorney is fully authorized to act for the principals that have named him their agent and attorney, and therefore, when an agent publishes rates in his tariffs which are to displace the rates in his principals' tariff, the agent must cancel the rates in his principals' tariffs as per paragraph (a) of this section.

(2) A carrier must not publish in its individual tariff rates which are to displace the rates published in a tariff of a duly authorized agent unless the tariff is accompanied by a supplement issued by the agent canceling the rates in his tariff effective on the same date, as per paragraph (a) of this section.

(c) *Concurrence does not confer authority to cancel.* A concurrence does not confer authority upon a carrier to cancel tariffs of the concurring carrier, and tariffs issued under concurrence must not assume to do so. Such cancellations must be made by the carrier which issued the tariff that is to be canceled.

(d) *Cancellation notice must be by supplement.* If a tariff is canceled with the purpose of canceling entirely the rates named therein, or when, through error or omission, a later issue failed to cancel the previous issue and such tariff is canceled for the purpose of perfecting the records, the cancellation notice must not be given a new ICC number, but must be issued as a supplement to the tariff (including loose-leaf tariffs) which it cancels. In the issuance of such supplement the provisions of § 1300.9(e) need not be observed.

(e) *Notice to specify where rates can be found.* When a tariff is canceled in whole or in part by a supplement thereto, the supplement must show where the rates will thereafter be found or what rates will thereafter apply. When a tariff is canceled by another tariff which does not contain all of the rates shown in the tariff to be canceled the canceling tariff must show where rates not shown therein will thereafter be found, or what rates will thereafter apply. For example: "Rates in —— ICC No. —— will apply," or "Class rates will apply," or "Combination rates will apply." (See § 1300.2(b).)

(f) *Cancellation by item numbers.* (1) When portions of a tariff (excepting a tariff in loose-leaf form), or of a supplement to a tariff, are designated as items, they must be given numbers and the cancellation of an item by supplement must be made by bringing forward the item number with a capital letter suffix in alphabetical sequence. For example, if Item 445 is to be canceled, it shall be done by one of the following methods:

State the numbers of both the canceling and the canceled item. For example: "Item 445-A cancels Item 445."

or

Bring forward the item number with letter suffix; for example: "Item 445-A", "Item 445-B". When cancellation under this method is used the following provision is to be published in the general rules section of the tariff proper:

METHOD OF CANCELING ITEMS

As this tariff is supplemented numbered items with letter suffixes cancel correspondingly numbered items in the original tariff or in a prior supplement. Letter suffixes will be used in alphabetical sequence starting with A. Example: Item 445-A cancels Item 445, and Item 365-B cancels Item 365-A in a prior supplement, which in turn canceled Item 365.

(2) When special circumstances require, appropriate variations of the above methods may be used. For example, if an item is to be republished on the same or an earlier effective date, the following may be used: "Item 40-B cancels Item 40-A and 40."

(3) When due to suspension or other circumstances, a portion of an item is to be canceled or items cannot be canceled in consecutive sequence, the following may be used: "Item 40-B cancels Item 40-A except portions under suspension." or "Item 40-B cancels Item 40-A and completes the cancellation of Item 40."

(4) If an item or any part thereof is transferred to another item of different number in the same tariff, the cancellation must be carried under the original item number and must show in what item or items the effective rates are to be found.

(5) If an item is withdrawn in its entirety, leaving no rates or provisions in effect in that item, the cancellation must be brought forward in subsequent supplements as a reissued item.

(6) If an item in a supplement expires by its own terms, and that sup-

plement is canceled by a subsequent supplement, the item, or more accurately, the item number, must be brought forward in the new supplement, together with a statement reading, "Expired with —— (date), in Supplement ——."

(7) An item once lawfully eliminated by cancellation or expiration may not be reinstated except by republication under a new effective date. Such republication must be under the same item number and must be given the next letter suffix. For example: If the canceling item is 445-B then the newly published item should be numbered 445-C.

(8) When withdrawing a rule or item designated by an item number the canceled matter need not be reproduced in connection with the item effecting the cancellation except to the extent necessary to identify the item.

§ 1300.9 Amendments and supplements.

(a) *Amendment procedure.* (1) A change in or addition to a tariff shall be known as an amendment, and, excepting amendments to tariffs of less than five pages and amendments to tariffs in loose-leaf form, shall be published in a supplement to the tariff. When an amendment is made in a numbered item or other unit, such item or other unit must be published in a supplement in its entirety as amended, except that additions, changes, or eliminations in a numbered item or other unit consisting of a list of commodities or a list of stations comprising 10 lines or more (measured along the left margin), may be made without publishing such items or units as amended in their entirety, provided that only one such partial amendment of any such item or unit may be in effect at any one time. When rates are published in numbered items, cancellation shall be made as prescribed in § 1300.8(f). When rates are published in numbered units other than item numbers, supplements effecting such change must specifically provide for cancellation of previously effective matter by reference to the number of the unit it cancels. When such a change is made in matter published in a supplement in a numbered unit other than an item, the new supplement must also give reference by number to the previous supplement. In those instances where matter is not published in numbered units, the changed provision must be published in the supplement in its entirety and reference must be made to the page or pages of the tariff on which the matter to be canceled is shown. If such matter has been canceled by a previous supplement, specific cancellation must be made of the corresponding matter in the "tariff as amended" and specific reference shall be made by number to page or pages of the previous supplement containing the matter to be changed, and to the page or pages of the original tariff formerly containing such matter corresponding thereto.

(2) The matter contained in each supplement shall be arranged in the same general manner and order as in the tariff which it amends and when stations in a tariff are given index numbers the same index number must be assigned to the same station in all supplements to the tariff.

(b) *Cancellation of rates when participating carrier is eliminated.* When a participating carrier is eliminated by supplement or by a revised page of a loose-leaf tariff, the tariff must be amended on the same effective date to provide for the cancellation of rates and other provisions in connection with that carrier. This may be done either by appropriate amendment of the individual items or provisions, or by a notation immediately following the statement that the carrier has been eliminated, reading:

> This has the effect of canceling all rates and other provisions published in connection with this carrier in this tariff.

(1) When the notation method is used in a supplement the notation must be brought forward as reissued matter, together with reference to the supplement in which the change first appeared.

(2) When the notation method is used in loose-leaf tariffs, subsequent revised pages containing the list of participating carriers must bear reference to such elimination so long as the name of the eliminated carrier appears elsewhere in the tariff, the ref-

erence to be shown in the following manner:

____
(Show name of carrier here)

eliminated as a participating carrier in this tariff and all rates and other provisions published in connection with that carrier canceled effective ——. See —— Revised Page ——.

(c) *Supplement number and cancellations.* Supplements to a tariff shall be numbered consecutively. Each supplement shall specify on its title page the supplement or supplements or tariff or tariffs which it cancels, and shall also show what supplements contain actual changes from the rates, rules, or regulations in the original tariff. Supplements filed under the authority of paragraphs (i), (j), (k), (m) of this section, and § 1300.12(d), and blanket or special supplements that do not change rates, rules or regulations, must be shown separately and the nature of each such supplement must be clearly indicated.

(d) *Effective date; reissued matter.* (1) Every publication which contains rates, rules, or regulations effective upon a date different from the general effective date of such publication must show on its title page the following notation:

"Effective ——, 19—, (except as otherwise provided herein)" or "except as provided in Item —)" or "(except as provided on page —)."

(2) Every publication which consists partly but not wholly of matter established upon less than statutory notice shall show in connection with each change made effective on less than statutory notice a notation that such matter is issued on —— days' notice under authority of ——, (here give specific reference to the special permission, decision, order, rule, or other authority).

(3) Matter brought forward without change from a tariff which has not been in effect 30 days, also matter brought forward without change from one supplement to another, must be designated "Reissued" in distinctive type and, except as authorized in § 1300.10(i), must show the original effective date and the number of the supplement or tariff from which it is reissued; or must be uniformly indicated by the letter T in a square when reissued from another tariff or from a supplement to another tariff and by numerals commencing with 1 in squares when reissued from a prior supplement to the same tariff, printed in distinctive type and shown in a conspicuous manner, and the explanation thereof must be made in the tariff or supplement in which the symbols are used. Examples: "1 Reissued from ICC No. ——, or (Supplement No. —— to ICC No. ——), effective (date upon which item became effective in former tariff or supplement to another tariff ——, 19—"; "1 Reissued from Supplement No. 1, effective ——, 19—," and so on numerically, the figures of the symbols always representing the number of the supplement to the same tariff from which the reissued item is brought forward. If items in a tariff or supplement are made effective on dates other than the general effective date shown on the title page, reissue of such items may be indicated in later publications by showing a letter suffix or other symbol in connection with, and as a part of, the letter T or the numerals in squares as authorized in this paragraph. When the reissued item became effective in a supplement to another tariff, the ICC number of that tariff must also be given.

(4) The letter T in a square and numerals commencing with 1 in a square shall not be used as reference marks or symbols for any other purpose in any tariff or supplement.

(e) *Amount of supplemental matter; loose-leaf tariffs.* (1) Except as authorized in §§ 1300.8(d), paragraphs (i), (j), (k), (m) of this section, 1300.11 and 1300.12(d), the following is the maximum number of effective supplements permitted to any tariff:

4 pages or less—No supplements.
5 to 16 pages, inclusive—1 supplement.
17 to 80 pages, inclusive—2 supplements.
81 to 200 pages, inclusive—3 supplements.
201 pages or more—4 supplements.

In addition to the above, tariffs of 17 pages or more may have one additional supplement not exceeding 4 pages.

(2) Except as authorized in §§ 1300.8(d), paragraphs (f), (h), (i), (j), (k), (m) of this section, 1300.11 and

1300.12(d), tariffs having 5 or more pages may have supplemental matter aggregating not more than 50 percent of the total number of pages in the tariff, except that if the number of pages in the supplement which brings the volume up to that authorized by this rule is not evenly divisible by 4, it may exceed the volume authorized to the extent necessary to bring the number of pages of such supplement to the next multiple of 4. The concluding page or pages of supplements on which appear only explanations of abbreviations and reference marks shall not be counted in applying this paragraph.

(3) The provisions of paragraphs (a), (b) of this section will also apply to tariffs filed prior to October 1, 1928.

(4) Pages of loose-leaf tariffs shall be printed on thin paper of strong texture, on one side only, and must be consecutively numbered and designated as "Original page 1," "Original page 2," etc. Each page must show at the top of the page the name of the issuing carrier, or of the issuing agent (identified as "Agent"). If the issuing agent is a corporation or association, there shall also be shown the full name of the bureau, committee or regional association, if any, under whose auspices the schedule is compiled and filed. It shall also show the page number and the ICC number of the tariff. At the bottom of the page shall be shown the date of issue, the effective date, and the name, title, and mail address of the individual actually responsible for compiling and filing the schedule. If the tariff is issued by an individual agent, his name must be shown with the title of "Agent." If issued by a corporation or association as agent, the name and title of the person responsible for the actual compilation and filing must be shown.

(5) Changes in and additions to loose-leaf tariffs shall be made by reprinting the page upon which change or addition is made, and such changed page shall be designated as a revised page. For example, "First revised page 1 cancels original page 1," or "Second revised page 2 cancels first revised page 2," etc. When a revised title-page is issued the following notation shall be shown in connection with its effective date:

Original tariff effective ——————————
(here show effective date of the original tariff).

(6) If on account of expansion of matter on any page it becomes necessary to add an additional page in order to take care of the additional matter, such additional page shall be given the same number with a letter suffix; for example "Original page 4-A," "Original page 4-B," etc. If it is necessary to change matter on original page 4-A it may be done by issuing first revised page 4-A, which shall provide for the cancellation of original page 4-A.

(7) When a revised page is issued which omits rates, rules, or regulations theretofore published on the page which it cancels, and such rates, rules, or regulations are published on another page, the revised page must make specific reference to the page on which the rates, rules, or regulations will be found, and the page to which reference is so made must contain the following notation in connection with such rates, rules, regulations, etc.:

For——————————————
(here insert rates, rules, regulations, etc., as case may be) in effect prior to the effective date hereof see page —.

Subsequently revised pages of the same number must omit this notation insofar as this particular matter is concerned.

(8) If after a tariff has been filed with the Commission it is desired to file additional pages, such pages may be subsequently filed to the tariff and numbered beginning with the next successive page number to the last page of the tariff, and must be designated as "Original page —." For example, when the tariff filed has 150 pages, page 151 when filed must not be designated as an "Additional" page but should be designated as "Original page 151." Such a page can be filed only for the purpose of adding new matter which does not change the rates, rules, or regulations then in force on other pages of the tariff.

(9) The page of every loose-leaf tariff next to the title page shall be designated as "Original page 1" and

shall be known as a "check sheet." When the original tariff is filed the check sheet must show the number of pages contained in the tariff. For example, "Pages 1 to 150, inclusive, of this tariff are effective as of the date shown." When new pages numbered 151, 152, etc., are added, the above notation must be correspondingly revised to include the added pages. When pages are revised, when new pages (including pages with letter suffix) are added to the tariff, or when supplements are issued the check sheet must be revised accordingly and, in addition to the above notation, shall show under the heading "Original and revised pages as named below and supplement No. —— contain all changes from the original tariff that are in effect on the date hereof" in numerical order a list of all original pages that have been added to the tariff and the pages which have been revised, including the revision number. For example:

Page	Number of revision except as indicated
3	5th.
5A	Orig.
10	8th.
151	Orig.

(10) Revised check sheets listing the added or revised pages must accompany such pages when forwarded to the Commission for filing.

(11) Changes shall be indicated as required by § 1300.2(a). Items which have been in effect 30 days or more need not be shown as reissued items on revised pages but may be republished as effective on 30 days' notice. Items which have not been in effect 30 days when brought forward on revised page must be shown as reissued in the manner prescribed in paragraph (d) of this section.

(12) When protective covers for loose-leaf tariffs are used, only such information should appear thereon as will remain constant and in use during the life of the tariffs.

(13) Supplements shall not be issued to loose-leaf tariffs, except for the purposes authorized by paragraphs (i), (j), and (k) of this section, and § 1300.12(d). When all changes made by a supplement to a loose-leaf tariff have been incorporated in the tariff proper by revision of the appropriate pages, the supplement shall be canceled. Such cancellation must be made by the reissue of the check sheet page (page 1) and by adding in the upper right-hand corner immediately following the words "cancels revised page 1" the words "also cancels Supplement No. ——."

(f) *Periodical tariffs.* A tariff may provide that it will be reissued periodically, but not less frequently than once a year. Such tariff must carry on its title page the notation:

> A reissue of this tariff will become effective not later than ——, 19—.

Supplements may be issued to such tariffs without limit as to volume.

(g) *Index to supplement.* (1) A supplement of 5 or more pages must have an index of the matter which it contains, and a supplement of more than 23 pages must also contain a table of contents. In view of the provision of § 1300.8(f) which requires that cancellation of a numbered item must be made under the same item number in a supplement as that given to that item in the tariff, and the requirement of paragraph (a) of this section which provides that the index number assigned to a station in a supplement must be the number assigned to that station in the tariff, the table of contents and indexes in a supplement of five or more pages need not contain therein entries which are shown in the table of contents or indexes in the tariff: *Provided,* That in connection with the index of points of origin (or destination) the following notation shall be shown:

> The index numbers of stations in this supplement correspond with the index numbers of the same stations shown on pages — to —, inclusive, of the tariff, with the following additions and exceptions.

(2) The table of contents and indexes in such a supplement may be omitted if § 1300.4 does not require the tariff, to which the supplement is issued, to contain a table of contents and indexes.

(h) *Supplement to tariff filed not yet effective.* (1) If a tariff is filed on statutory notice canceling another tariff and after such filing a supplement to the tariff to be so canceled should be issued effective prior to the general effective date of such new tariff, rates in such supplement could not continue in effect for the 30 days required by law because the cancellation of the former tariff also cancels supplements to it. In such a case, and confined to additions or to changes in rates or provisions which were brought forward in the new tariff without change, the provisions of paragraph (e) of this section need not be observed as to the old tariff, and a supplement making the same changes in or additions to both tariffs may be issued as supplements both to the tariff in effect and to the tariff which will effect such cancellation, and be given both ICC numbers. In other words, such issue must be a supplement both to the old and the new tariffs and copies must be posted and filed accordingly. Only one such supplement may be in effect at any time.

(2) Rates or provisions which have been established in an old tariff and reproduced or reissued in a new tariff may be changed upon lawful notice by supplement to the new tariff, effective not earlier than the general effective date of the new tariff, by showing in the following manner in connection with the changed rates or provisions that the rates or provisions changed thereby have been in effect 30 days or more, in the former issue. Example: "Item 40-A cancels item 40. Item 40 effective ———, brought forward without change from Item No. ——— of ICC No. ——— (former issue)." New rates or provisions which do not change rates or provisions in either the old or new tariff may be established upon lawful notice by supplement to the new tariff, effective not earlier than the general effective date of the new tariff, by showing in the following manner, in connection with the new rates or provisions that the rates or provisions previously applicable have been in effect 30 days or more in a former issue. Example: "Addition. Changes class rates which became effective ——— in ICC No. ———." Unless the provisions of this paragraph are complied with no supplement to a tariff that is on file and not yet effective may be made effective within 30 days from the effective date of the tariff without special permission.

This section does not waive the requirements of §§ 1300.14, 1300.54.

CROSS REFERENCE: For additional procedure of statutory notice in filing tariffs, see § 1300.13.

(i) *Complete adoption notice.* (1) When the name of a carrier is changed, or when its operating control is transferred to another company the carrier which will thereafter operate the properties shall file and post an adoption notice, numbered in its ICC series, reading as follows:

> The ——— (corporate name of adopting carrier) hereby adopts, ratifies, and makes its own, in every respect as if the same had been originally filed and posted by it, all freight tariffs, classifications, rules, notices, concurrences, traffic agreements, divisions, authorities, powers of attorney, or other instruments whatsoever, including supplements or amendments thereto, filed with the Interstate Commerce Commission by or heretofore adopted by, the ——— (corporate name of old company) prior to ——— (date).

(2) In addition to the above adoption notice the new carrier shall immediately file a consecutively numbered supplement to each of the tariffs covered by the adoption notice, reading as follows:

> Effective ——— (here insert date shown in the adoption notice) this tariff, or as amended, became the tariff of the ————— (corporate name of new carrier) as per its adoption notice ICC No. ———.

(3) Such supplements issued under authority of this section must contain no other matter, must bear reference to this section and may be issued without regard to the provisions of paragraph (e) of this section.

(4) Succeeding supplements to such tariffs filed by the adopting carrier must be numbered consecutively following the number of the adoption supplement. New tariffs reissuing or succeeding such tariffs shall be numbered in the ICC series of the adopting carrier. When adopted tariffs are canceled by new tariffs of the adopting

carrier, the cancellation reference must describe the canceled tariff by using the name or initials of the former issuing carrier.

(5) Tariffs issued by other carriers or agents in which the line absorbed, taken over, operated by another carrier, or whose name is changed, is named as a participating carrier, shall be amended on statutory notice, to eliminate the name of the old carrier and to show the name of the new carrier by the first subsequent supplement. Such supplement shall also contain the following provision:

The ——— (corporate name of adopting carrier) by its adoption notice ICC No. ——— having taken over tariffs, etc., of the ——— (corporate name of old carrier), the ——— (corporate name of adopting carrier) is hereby substituted for the ——— (corporate name of old carrier) wherever it appears in this tariff.

(6) A similar adoption notice must immediately be filed by a receiver when he assumes possession and control of a carrier's lines. If the adoption notice bears an ICC number (not standard ICC designation), it must be consecutively numbered in the ICC series of the adopted carrier. If the adoption notice bears a standard ICC designation (not ICC number), it must be designated in the ICC numbering system of the adopted carrier. When the receivership is terminated, the carrier taking over the properties shall file an adoption notice and shall also file supplements as hereinabove prescribed if a change in the name of the carrier has been made.

(7) Notices of adoption should be filed with the Commission immediately, and if possible, on or before the date shown therein. Copies must be sent to each agent or carrier to which power of attorney or concurrence has been given. The notice must refer to this section and its effective date must be the date (as shown in body of notice) on which the change in name or operation occurs. If prior approval of such change is necessary, reference must also be made to the order of the Commission.

(8) Concurrences and powers of attorney adopted by a carrier or a receiver must within 120 days be replaced and superseded by new concurrences and powers of attorney issued by and numbered in the series of the new carrier or receiver except that if desired the receiver may number concurrences and powers of attorney in the old series. The cancellation reference to the former concurrence or power of attorney must include name or initials of the former issuing carrier. Concurrences and powers of attorney which will not be replaced by new issues must be regularly revoked on the notice and in the manner prescribed in § 1300.26(b).

(9) If a carrier ceases operation without having a successor, its tariffs, concurrences, and powers of attorney must be regularly canceled on statutory notice, unless otherwise specifically provided by order of the Commission and when canceled on less than statutory notice the cancellation notice must show that cancellation is made on account of discontinuance of operation and must refer to the authority of the Commission permitting such discontinuance.

CROSS REFERENCE: For provisions concerning powers of attorney and concurrences, see §§ 1300.18 to 1300.26, inclusive.

(j) *Partial adoption notice.* (1) When the operating control of only a part of a carrier's properties is transferred to another company, the carrier which will thereafter operate the properties shall file and post an adoption notice, numbered in its ICC series, reading as follows:

The ——— (corporate name of adopting carrier) hereby adopts, ratifies, and makes its own, in every respect as if the same had been originally filed and posted by it, all freight tariffs, classifications, rules, notices, concurrences, traffic agreements, divisions, authorities, powers of attorney, or other instruments whatsoever, including supplements or amendments thereto, filed with the Interstate Commerce Commission by the ——— (corporate name of old carrier) prior to ——— (date) in so far as said instruments apply from, to, at, or via the following stations ——— (naming them).

(2) If, on the transferred portion, there is a junction point which will remain a station on the old line as well as being established as a station on the new line, a note or reference mark may be provided in connection with

the name of such point and explained substantially as follows:

> This adoption notice does not have the effect of eliminating —— as a station on —— (corporate name of old carrier), but has the effect of establishing said station also as a station on —— (corporate name of adopting carrier).

(3) In addition to the adoption notice in paragraph (j)(2) of this section the old carrier shall immediately file, under proper concurrence from the adopting carrier, a supplement to each of the tariffs covered by the adoption notice reading as follows:

> Effective —— (here insert date shown in the adoption notice), this tariff or as amended, in so far as it contains rates, rules, and/or regulations applying from, to, at, or via the following stations —— (naming them), became the tariff of the —— (corporate name of adopting carrier as per adoption notice ICC No. —— of —— (corporate name of adopting carrier).

(4) Such supplements must contain no other matter, must bear reference to this section, and may be issued without regard to the provisions of paragraph (e) of this section.

(5) Rates applying locally between points on the transferred portion shall as quickly as possible be transferred to tariffs of the adopting carrier. In all instances where rates are transferred from tariffs of the old carrier to tariffs of the adopting carrier, the adopting carrier shall establish the rates in its tariffs and the old carrier shall cancel the corresponding rates from its tariffs effective on the same date with a reference to the ICC number of the adopting carrier for rates applying thereafter.

(6) Tariffs issued by other carriers or agents, in which the line absorbed, taken over, or operated in part by another carrier is named as a participating carrier, shall be amended on statutory notice, to add the new carrier as a participating carrier by the first subsequent supplement. Such supplement shall also contain the following provision:

> The —— (corporate name of adopting carrier) by its adoption notice ICC No. ——, having taken over tariffs, etc., of the —— (corporate name of old carrier) in so far as they contain rates, charges, rules, or regulations applying from, to, at, or via the following stations —— (naming them), the —— (corporate name of adopting carrier) is hereby substituted for the —— (corporate name of old carrier) wherever the latter appears in this tariff in connection with said stations and rates.

(7) Similar adoption notice numbered in the ICC series of the carrier must immediately be filed by a receiver when he assumes possession and control of part of a carrier's lines. When the receivership is terminated, the carrier taking over the properties shall file an adoption notice and shall also file supplements as prescribed in this section if a change in the name of the carrier has been made.

(8) Notices of adoption should be filed with the Commission immediately, and if possible, on or before the date shown therein. Copies must be sent to each agent or carrier to which power of attorney or concurrence has been given. The notice must refer to this rule and its effective date must be the date (as shown in body of notice) on which the change in name or operation occurs. If prior approval of such change is necessary, reference must also be made to the order of the Commission.

(k) *Suspension of tariff schedules.* (1) Upon receipt of an order suspending any tariff or portion thereof, the carrier or agent who filed such tariff shall immediately file with the Commission a supplement, not bearing an effective date, which shall contain a reproduction of the pertinent portions of the Commission's order of suspension (including the paragraph prohibiting changes in the suspended matter), followed by a statement that by reason of the Commission's order (i) the use and application of the suspended publication or portions thereof (which must be identified with certainty) is either indefinitely deferred or deferred for the period prescribed in the Commission's suspension order and (ii) the schedules which were to be changed by the suspended publication (which schedules must also be identified with certainty) will remain in effect and will not be changed so long as effectiveness of the suspended matter is deferred (if deferred only for the term of the Commission's order, the date must be specified), except by order or special permission of the Commission.

(2) If the responsible carrier or publishing agent has elected to file a supplement deferring the suspended matter only for the period prescribed by the Commission's order, and if prior to the expiration of that order, the Commission formally or informally requests that a further deferment be made, the carrier or publishing agent may, under the authority of this section, issue a supplement effecting such further deferment. Where suspended matter has previously been deferred under the authority of this section, the carrier or publishing agent may, when requested by the Commission and prior to the date to which the matter is postponed, issue a supplement under the authority of this section, further postponing the effective date of the matter originally suspended. Supplements issued should be filed on statutory notice if practicable, and otherwise on shorter notice, but the notice shall be as long as time will reasonably permit and in no event less than one day. Where the effectiveness of matter originally suspended by the Commission has been voluntarily postponed beyond the term of the Commission's order, no change during the period of such voluntary postponement may be made in the tariff matter which was originally held in force by the Commission's suspension order, except by order or special permission of the Commission.

(3) Where, following the entry of a report and order in an investigation and suspension proceeding, a further order is entered in such proceeding postponing the effective date or requirement of the original order, the carrier or publishing agent, under authority of this section, may issue a supplement effecting such further deferment of the suspended schedule, and may also issue a supplement to announce postponement of the effective date of a cancellation or vacation supplement or notice filed following the entry of such report and order, to and including a date immediately preceding the effective date fixed in the further order effecting the postponement. Further, where pursuant to the provisions of section 17(8) of the Interstate Commerce Act, the filing of an application for rehearing, reargument, or reconsideration stays the order fixing the effective date of a requirement or other action in an investigation and suspension proceeding, as evidenced by notice of the Commission to the parties, the carrier or publishing agent, under authority of this section, may issue a supplement effecting further deferment of the schedule under suspension or under voluntary postponement, and may also issue a supplement to announce postponement of the effective date of a cancellation or vacation supplement or notice that was filed following the entry of the report and order in such investigation and suspension proceeding. (Postponement should be to the last day of the suspension period prescribed in the suspension order, except where the responsible carrier or publishing agent elects to defer the use of the suspended schedule beyond the statutory period of suspension, in which event postponement should be until the date upon which the supplement announcing such postponement is canceled.) Supplements issued should be filed on statutory notice if practicable, and otherwise on shorter notice, but the notice shall be as long as time will reasonably permit and in no event less than one day.

(4) When the Commission has suspended a supplement in whole or in part, it sometimes occurs that prior to the filing of the supplement announcing suspension, a later supplement has been filed which purports to reissue the suspended matter. In such instances the suspension supplement required by this section shall also (i) specifically cancel from the later supplement such reissued matter, and (ii) amend the cancellation notice on the title page of said supplement so as to except the suspended matter from the cancellation. Tardiness in filing supplements announcing suspension may result in the rejection by the Commission of the supplement which cancels the suspended matter.

(5) When the Commission suspends an entire tariff, the previous tariff and effective supplements are continued in effect and will remain in force during the period of suspension or until law-

fully canceled or reissued. Except as to loose-leaf tariffs and tariffs of less than five pages, supplements containing additions and/or changes in rates or other provisions which were not sought to be changed by the suspended tariff may be filed to the previous tariff without regard to the volume of supplemental matter which the effective supplements in the aggregate may contain. If the volume of supplemental matter permitted by paragraph (e) of this section has been exceeded under authority of this paragraph, and the Commission orders the cancellation of the suspended tariff, the volume of supplemental matter must be brought within the requirements of paragraph (e) of this section by schedule filed within 90 days, or such tariff must be reissued in accordance with the following: If consisting of less than 100 pages, by schedule filed within 90 days, and if consisting of 100 or more pages, by schedule filed within 120 days, from date upon which the suspended tariff is canceled.

(6) When the Commission suspends an entire supplement, the supplement will not be counted in the number of supplements nor in the volume of supplemental matter permitted by paragraph (e) of this section; nor in the event of suspension of a portion of a supplement will that supplement be so counted after all matter therein except the suspended portions has been reissued in or canceled by a subsequent supplement. Such subsequent supplement shall cancel the supplement containing the suspended matter "except portions under suspension in I. & S. Docket No. ——, viz (identifying the suspended portion by item and page number)."

(7) When a tariff (not a supplement), any portion of which is under suspension, is canceled, the new tariff may either (i) cancel the previous tariff "except portions under suspension in I. & S. Docket No. ——, viz, (identifying the suspended matter and the matter held in force by the suspension order by item and page number)," or (ii) cancel the previous tariff entirely and bring forward without change the matter held in force by the order of suspension, followed immediately by the matter under suspension. The matter held in force by the order of suspension must be identified as such and shown as expiring with the date to which the suspended matter has been postponed. The suspended matter immediately following must likewise be identified as such and shown as effective on the day following the expiration of the matter held in force by the order of suspension.

(8) When an order of suspension relates to a portion of a new tariff or a supplement thereto, intended to supersede completely a readily identifiable item (or other unit) in the prior tariff, such matter as is continued in effect by the order of suspension may be published (see Note following paragraph (k)(9) of this section) in the supplement announcing suspension. When so published the following notation must be provided in connection therewith, either as a note or in the form of a reference mark:

> The matter subject to this (note or reference mark as the case may be) is reissued from tariff ICC —— and is continued in effect by the terms of the order of suspension in I. & S. Docket No. ——, and unless it is sooner canceled, changed, or extended, will expire with ——. (The date to be shown will be the date to which the suspended matter has been postponed.)

(9) When an order suspends a particular rate or rates or a portion of matter in an item (or other unit) in a new tariff and the matter remaining in effect in a prior tariff thereby becomes an integral part of such item (or other unit) of the new tariff, the entire item (or other unit) of the new tariff may be republished in the supplement announcing the suspension, provided there is shown in such item (or other unit), (i) the matter continued in effect by reason of the order of suspension, (ii) the suspended matter, and (iii) all other provisions of the item (or other unit) without change and appropriately indicated as reissued from the new tariff (see Note following this paragraph). The matter held in force by the order of suspension must be identified as such and shown as expiring with the date to which the suspended matter has been postponed. The suspended matter immediately following must likewise be identified as such and shown as effec-

tive on the day following the expiration of the matter held in force by the order of suspension. When the effective date of suspended matter has been indefinitely postponed, that fact must be stated by appropriate language.

NOTE: The form of publication permitted by the two paragraphs preceding may be used only when it permits complete cancellation of the tariff containing the matter continued in effect by the order of suspension. It may not be used in loose-leaf tariffs nor where the application of matter continued in effect depends in whole or in part upon other provisions, such as station grouping, rate bases, rules or regulations, which differ from those in the new tariff and which cannot be brought forward in the supplement announcing suspension.

(10) When a revised (not an original) loose-leaf page, a portion of which is under suspension, is reissued, the new revised page shall (i) include the matter continued in effect by reason of the order of suspension, (ii) cancel the page previously containing such matter, and (iii) cancel the loose-leaf page containing the suspended matter "except portions under suspension in I. & S. Docket No. ———, viz. (identifying the suspended portion by item and page number)."

(11) Neither a suspended tariff provision nor a provision held in force by reason of an order of suspension may be changed or canceled except by order or permission of the Commission.

(12) When the Commission vacates an order of suspension, or when suspended matter has been voluntarily postponed beyond the term of the Commission's order, and the Commission finds the suspended matter justified, a supplement may be filed making the suspended or postponed matter effective on one day's notice unless the Commission directs otherwise.

(13) When an order which suspended a tariff in its entirety is vacated and/or the Commission formally finds that the suspended tariff is justified, the vacating supplement filed under authority of this section may also include as reissues any changes or additions which in the interim have been made in the tariff which was held in force by the order of suspension. If by special permission a new tariff has been filed during the period of suspension, canceling the tariff proposed to be canceled by the suspended tariff, any changes or additions published in the new tariff which are not included in the suspended tariff may likewise be included in the vacating supplement as reissued items, but in such cases the vacating supplement must also cancel the new tariff. No other matter may be included in vacating supplements. When reissued matter is published in a vacating supplement, the vacation notice must be printed in not less than 10-point type, either on the title page or immediately preceding the particular tariff matter to which the notice applies.

(14) When a tariff has been canceled except portions under suspension by a new tariff and the Commission vacates its suspension order and/or formally finds the suspended matter justified after the new tariff has become effective, a supplement may be filed to the new tariff on not less than one day's notice (unless the Commission directs otherwise), republishing and establishing the suspended matter and canceling the matter which was effective during the period of suspension, together with the matter under suspension in the former issue. When the Commission vacates its suspension order and/or formally finds the suspended matter justified before the new tariff becomes effective, a vacating supplement as provided in this section should be filed to the old tariff, and a supplement should also be filed to the new tariff on not less than one day's notice (unless the Commission directs otherwise), establishing therein the matter which was under suspension in the old tariff. A supplement common to both tariffs as authorized by paragraph (h) of this section may be issued for this purpose.

(15) When the Commission suspends matter in a tariff or a supplement thereto and thereafter orders its cancellation, the cancellation shall become effective upon not less than one day's notice (unless the Commission directs otherwise), by supplement to or reissue of the tariff. When the Commission orders suspended matter canceled and the final date for compli-

ance is subsequent to the date to which the matter has been postponed, carriers should endeavor to make the cancellation in time to prevent the rates or other provisions which have been found not justified from becoming effective. If this is not done and the suspended matter becomes temporarily effective, it is necessary when cancellation is effected to republish and reestablish the matter which was continued in force by reason of the order of suspension.

(16) Every suspension, vacation, and cancellation supplement issued under authority of this section must bear on its title page the following notation:

> Issued under authority of rule 9(k) of Tariff Circular No. 20 and in compliance with order of the Interstate Commerce Commission in I. & S. Docket No. ——— of (date).

Postponement supplements issued under authority of this section must show on the title page:

> Issued upon ——— day's notice under authority of rule 9(k) of Tariff Circular No. 20.

(17) Supplements issued under authority of this section will not be counted in the number of effective supplements, or the volume of supplemental matter, permitted under paragraph (e) of this section, but must be listed among the effective supplements as required by paragraph (c) of this section.

(18) The provisions of this section relating to suspension, postponement, vacation, and cancellation supplements will also govern in connection with tariffs issued in loose-leaf form, except that such supplements must not contain any other matter. All changes made in loose-leaf tariffs must be published on revised pages. (See paragraph (e) of this section.)

(l) [Reserved]

(m) *Additional supplement to establish rates under rule or order of Commission.* Except as to loose-leaf tariffs and tariffs of less than five pages, one additional supplement may be issued to any tariff without regard to the requirements of paragraph (e) of this section for the purpose of establishing rates or other provisions in compliance with an order or formal decision of the Commission and/or to establish rates under authority of § 1300.56 or § 1300.57. The next regular supplement filed must bring the number of effective supplements within the requirements of paragraph (e) of this section. Only one such supplement may be in effect at any time and, except as provided in § 1300.14(f), may contain no other matter. It must be designated on its title page as "Issued under authority of rule 9 (m) of Tariff Circular No. 20."

(n) *Percentage supplements to provide general rate changes.* (1) A supplement, which expresses the amount of change as a percentage by which the tariff's explicitly-stated rates and charges are to be increased or reduced, may be filed to any tariff to provide a general change in the level of all or substantially all rates and charges, or all or substantially all the rates and charges in a specific category in the tariff.

(2) The supplement shall clearly explain its application and shall state where any exceptions to its application are listed. It shall also show how to compute the increased or reduced rates from the percentages shown; how to dispose of fractions; and how to compute multiple-factor rates made by the use of arbitraries or other means. Only matter concerning the percentage change may be published in the supplement.

(3) A percentage supplement shall bear an expiration date on its title page which shall be within two years of its effective date. The title page shall also describe the nature of the changes effected by the supplement. Only one percentage supplement may be in effect at one time.

(4) Percentage supplements may change tariff matter which will not have been in effect for 30 days. Subsequent amendments filed prior to the effective date of the percentage supplement may change or cancel, on lawful notice, matter changed by the percentage supplement before that change has been in effect for 30 days. Tariff amendments containing explicitly-stated rates or charges becoming effective during the effectiveness of a percentage supplement shall state whether or not they are subject to the

provisions of the percentage supplement.

(Sec. 310a, 5 U.S.C. 553, 558; 49 U.S.C. 20, 310a, 318, 319, 904, 906, 1003, 1005, 1013; sec. 20, 24 Stat. 386; 49 Stat. 561, 563; sec. 210a, 52 Stat. 1237, 1238; secs. 304, 306, 54 Stat. 933, 935; secs. 403, 405, 413, 56 Stat. 285, 287, 295; 80 Stat. 378; 49 U.S.C. 10762)

[32 FR 20510, Dec. 20, 1967, as amended at 43 FR 8531, Mar. 2, 1978; 43 FR 12327, Mar. 24, 1978; 45 FR 60438, Sept. 12, 1980]

§ 1300.10 Terminal and special services; distance and mileage rates.

(a) *Terminal and special services.* Each carrier or its agent shall publish, post, and file tariffs which shall contain in clear, plain, and specific form and terms all the rules governing and rates and charges for demurrage, switching, floating, lighterage, wharfage, and other terminal services, storage transfer and drayage, weighing, diversion, reconsignment, icing, refrigeration, heat, elevation, feeding, grazing, and other transit services, absorptions, allowances, and all other charges and rules which in any way increase or decrease the amount to be paid on any shipment, or which increase or decrease the value of the service to the shipper. Tariffs authorizing such services, or providing charges therefor or for the absorption of such charges, must clearly show their application in connection with traffic moving under less-than-carload or any quantity rates.

(b) *Method of publication.* Subject to the provisions of paragraphs (c), (f) of this section, the application of the several services and/or the charges covered by paragraph (a) of this section in connection with line-haul rates lawfully on file with the Commission must be provided for in one of the three following ways:

(1) By including in the tariff which contains the rate upon which charges are finally to be assessed the specific authority for the extra service, the rules or regulations under which such extra service is to be performed, and the charge, if any, therefor; (2) by specific reference, in the tariff which contains the rate upon which charges are finally to be assessed, to the ICC number of a separate publication containing the authority for such service and the charge, if any, therefor; or (3) by including in the tariff which contains the rate upon which charges are finally to be assessed a clause providing that shipments made under the rates contained therein are entitled to the following services (here name specifically the services which will be permitted in connection with such rate (tariff) and are subject to the charges therefor, if any, of participating carriers performing the services "as per tariffs lawfully on file with the Interstate Commerce Commission."

(c) *Intermediate switching, drayage, or transfer.* A joint through rate from a point on the line of one carrier to a point on the line of another carrier includes switching, drayage, or other transfer service at intermediate interchange points, and no part of such charges may be added to the joint rate on shipments handled through and not stopped for special services at such intermediate interchange points. Carriers performing intermediate switching services in connection with joint rates should be shown as participating carriers in the joint rate; but if this is not done, the carrier performing the switching service must have on file with the Commission a tariff naming its charges for the intermediate switching service and the line-haul carriers parties to the joint rate must file tariffs providing for the payment of all such charges to the switching road.

All tariffs containing joint rates must contain the following provision:

> The joint rates published herein include all charges for switching, drayage, or other transfer services at intermediate interchange points on shipments handled through and not stopped for special services at such intermediate interchange points.

(d) *Switching road charges.* (1) Any carrier performing a switching or terminal service, even though its line be located wholly within one State, must publish, post, and file in accordance with the law and the Commission's regulations a tariff containing its switching charges upon or for movements on interstate shipments; and this must be done regardless of absorption provisions published in connecting lines' tariffs. Such switching tariff must name the stations, warehouses, team, or industrial tracks, or other points at which shipments will be received or delivered within the switching limits, or must otherwise clearly define such limits.

(2) All of the switching charges of a carrier must be published in one tariff except as indicated in (d)(2)(i), (ii), and (iii) of this section.

(i) When a carrier divides its line and publishes separate ICC series of tariffs for the different portions thereof, separate tariffs of switching charges must be published for each.

(ii) When a carrier publishes a separate ICC series to provide rates and charges on a single commodity or group of commodities, for example, coal and coke, it may publish a separate tariff covering all of its switching charges on that commodity or group of commodities.

(iii) Carriers may publish separate tariffs of switching charges applicable at important points on their lines, Provided, That such points are indexed in the general switching tariff and reference is made therein to the ICC number of the separate tariffs published for such points.

(3) Provisions, if any, for the absorption of connecting-line switching charges may be included in the tariff of rates or in the switching tariffs described in this section, or such provisions must be included in a single separate publication or in a single separate publication in each ICC series of tariffs. (See paragraph (f) of this section.)

(4) Nothing in this section shall be construed as prohibiting two or more carriers employing a joint agent for the publication of a consolidated switching tariff at a particular point, which tariff must contain all of the switching charges and absorption provisions of the carriers parties to the tariff at that point. In such cases the general switching tariff (or tariffs) of each carrier must index the point covered by the joint agency publication and must show reference by ICC number to the joint agency publication.

(e) *Switching and other terminal charges added to rate.* A carrier's charges for switching or other terminal services (except as otherwise provided in paragraph (c) of this section) must be added to the line-haul tariff charges unless such switching charges are absorbed, in whole or in part, in the manner provided by paragraph (f) of this section.

(f) *Switching road's charges absorbed.* Line-haul carriers may absorb charges for switching or other terminal services performed at point of origin, point of destination, or (except as otherwise provided in paragraph (c) of this section) at an intermediate point, provided, the line-haul carriers publish and file a tariff which shows that such switching charges as published in tariffs of the switching carrier (naming it) lawfully on file with the Interstate Commerce Commission will be absorbed in their entirety. Line-haul carriers may also absorb switching charges in part or in a specified amount. In such cases the tariff containing the absorption provision shall state that such charges are published in tariffs of the switching carrier (naming it) lawfully on file with the Interstate Commerce Commission and shall also state that charges not absorbed will be in addition to the line-haul rate.

(g) *Distance rates may be used when no other rates provided.* (1) A carrier or an agent acting for two or more carriers may file tariffs containing distance or mileage class or commodity rates, or both. Except as otherwise provided in §§ 1300.7 and 1300.27, distance or mileage class rates may be used only when no specific through class rates from and to the same points are provided and distance or mileage commodity rates may be used only when no specific through commodity rates from and to the same points are provided. Except as otherwise provided in §§ 1300.7 and 1300.27, distance or mileage commodity rates will apply even though specific through class rates from and to the same points are provided.

(2) Tariffs containing distance or mileage rates must clearly and definitely show the application of the rates, must contain an alphabetical list of points between which the rates apply and must also show in proper arrangement the specific distances be-

tween such points, or may make reference by ICC number to a separate tariff for such list of points and distances. (See paragraph (h) of this section.)

(3) Each tariff that contains only distance or mileage class rates must bear on its title page the following rule:

> The distance or mileage class rates shown herein may be used only when no commodity rates or specific through class rates from and to the same points have been provided on the same shipment.

(4) Each tariff that contains only distance or mileage commodity rates must bear on its title page the following rule:

> The distance or mileage commodity rates shown herein may be used only when no specific through commodity rates from and to the same points have been provided on the same shipment.

(5) Each tariff that contains only distance or mileage class and commodity rates must bear on its title page the following rule:

> The distance or mileage class rates shown herein may be used only when no commodity rates or specific through class rates from and to the same points have been provided on the same shipment; and the distance or mileage commodity rates shown herein may be used only when no specific through commodity rates from and to the same points have been provided on the same shipment.

(6) If distance or mileage rates without alternative application are published in a tariff which also contains specific rates, the notations for class or commodity or both class and commodity rates, as the case may be, prescribed by this paragraph must be shown immediately in connection with such distance or mileage rates.

(7) If distance or mileage rates have alternative application, the notations prescribed in this paragraph must be qualified by the prefatory words, "Except to the extent alternative application of rates is provided."

(h) *Distance or mileage tables.* (1) Each carrier must publish, post, and file, individually or through an agent, a tariff containing a list of its stations and the shortest distances via its line between such stations, arranged in one of the three following ways:

(i) Showing the distance from each station to each station.

(ii) Showing the distance from each station to each junction point with a branch of its own railroad and to each junction point with another railroad.

(iii) Showing the distance from each junction point on its line, either with a branch of its own railroad or with another railroad, to each other such junction point, and the distance from each local station to the nearest junction point in each direction.

(2) Each of such tariffs must also clearly indicate which of the stations are junction points at which it is possible to interchange carload traffic without transfer of lading and must name the connecting carriers at each such junction with which such transfer is possible.

(3) Where carriers participate in joint distance or mileage rates they must on or before May 5, 1930 either (i) publish in the tariff containing such joint distance or mileage rates or in a separate publication filed by an agent, an alphabetical list of all stations between which such distance or mileage rates apply and the distances from each of such stations to every other station, indicating in an appropriate manner which of such stations are junction points at which it is possible to interchange carload traffic without transfer of lading, and naming the connecting carriers at each such junction point with which such transfer is possible or (ii) file through an agent a separate joint publication which shall contain an alphabetical list of all the junction points on their respective lines at which it is possible to interchange carload traffic without transfer of lading in the area embraced by the application of such joint distance or mileage rates, together with the names of the connecting carriers at each junction point with which such transfer is possible, and the distance from each such junction to each other such junction point; and they must in the tariffs containing such joint distance or mileage rates give reference by ICC number to such separate joint publication. The latter must also contain the distance from each local station to the nearest junction point in each direction, or the tariff containing

the joint distance or mileage rates must also refer by ICC number to the tariff or tariffs of each carrier containing the distances between points on its line and such junction points.

NOTE: It is not intended by the preceding paragraph to require carriers to have one separate publication for each rate tariff containing joint distance or mileage rates but all the distances over which joint rates in which such carrier participates may be included in one publication.

(i) *List of stations showing facilities, additions and abandonments.* (1) A tariff publication may be filed containing a list of stations with the railroad location of each, alphabetically and geographically arranged with index numbers, prepay requirements, station facilities, additions of stations, abandonments of stations, changes in names of stations, and restrictions as to acceptance and delivery of freight. No rates or charges and no matter that will in any way operate to increase or decrease the rate or charge in tariffs making reference to this publication may be shown therein. Changes in such a tariff may be made on not less than one day's notice, except that announcement of the abandonment of stations, changes in index numbers of stations and restrictions as to the acceptance or delivery of freight must be made effective on not less than thirty days' notice.

(2) Changes made on less than statutory notice under the authority of this paragraph shall recite that they are so made, either directly or by reference to an item in the original tariff stating:

> Changes in this tariff that make reference to this item are established upon less than statutory notice under authority of rule 10(i) of Tariff Circular No. 20.

Rate tariffs that are to be governed by such separate tariff publication must make reference thereto in the wording shown below:

> Governed by —— ICC No. ——, supplements thereto or successive issues thereof, as to additions and abandonments of stations, and except as otherwise shown herein, as to prepay requirements, changes in names of stations, restrictions as to acceptance or delivery of freight and changes in station facilities. When a station is abandoned as of a date specified in the above named tariff, the rates from and to such station as published in this tariff are inapplicable on and after that date.

(3) When a station has been abandoned as of a date specified in the tariff authorized by this paragraph, the rates from or to such station in rate tariffs governed thereby have become inapplicable and must be eliminated in the next amendment of such rate tariffs. When the elimination is made by supplement, the following notation must be used:

> Eliminate account station abandoned. For effective date see (here make reference to the governing tariff issued under this rule).

This notation must be continued in connection with the name of the station as long as the tariff remains effective, and indicated as a reissue from the supplement in which it was first published, without stating the effective date of such supplement.

(j) *Tank-line gauge books and equipment register.* When rates are published with minimum weights dependent upon the length or marked, cubical or gallonage capacity of the car used, the length or marked, cubical or gallonage capacity becomes an integral part of the charge and carriers must file tariffs showing the numbers, dimensions, capacities, and ownership of freight cars, and other information required by law to be filed with respect to such cars. Such information may be published in separate publications and be filed by duly authorized agents. Tariffs governed by such publications must bear specific reference to the ICC number thereof. Successive issues of such publications and supplements thereto may be made effective on 1 day's notice by noting thereon reference to this section.

§ 1300.11 Index of tariffs.

(a) Each carrier shall publish as a tariff, under ICC number, a complete index of all effective tariffs to which it is a party either as initial or delivering carrier. Such index shall be arranged in sections as indicated below, and shall show as to each tariff: (1) ICC number, (2) full or abbreviated name of issuing carrier, tariff publishing bureau, or agent, (3) type of tariff or description of the traffic upon which it applies, (4) where tariff applies from, (5) where tariff applies to, and (6) whether tariff contains other than all-rail rates. The information required by items (3), (4), and (5) shall be stated in sufficient detail to show clearly the application of the tariff. Additionally, the index may show as to each tariff the carrier's own number, the index number, and the issuing carrier's (or agent's or tariff publishing bureau's) number.

First section: A list of all tariffs as to which the carrier is an initial carrier, entered in the following order: Specific commodity tariffs, general commodity tariffs, class and commodity tariffs, class tariffs, and miscellaneous schedules such as billing books, classifications, exception sheets, switching tariffs, etc. Specific commodity tariffs shall be entered alphabetically under the names of commodities or principal commodities. Tariffs applying to different groups of the same commodity shall be grouped together; for example, "Lumber, hardwood, Lumber, yellow pine," etc. Each group of specific commodity tariffs and tariffs grouped under the respective heads of general commodity tariffs, class and commodity tariffs, and class tariffs, shall be entered by alphabetical arrangement of the points or territory from or to which they apply, in either the "From" or "To" column. Miscellaneous schedules shall be entered in alphabetical order.

Second section: A list of all tariffs under which the carrier is a delivering carrier arranged alphabetically by names of issuing carriers, tariff publishing bureaus, or agents, with the items arranged by commodities and classes under each of such carriers, tariff publishing bureaus, or agents, as prescribed for the first section. If carrier so desires, lists of tariffs under which it is an intermediate carrier may be included in this section provided those tariffs under which it is a delivering carrier or an intermediate carrier or both are indicated.

Third section: A complete list of the numbers of effective tariffs of its own ICC series arranged in numerical order.

(b) Tariffs covering only specific circus movements and supplements to tariffs should not be included in indexes. Where supplements have the effect of changing the application of the original tariff, the descriptions of such tariff in the index should be amended accordingly. If carriers so desire, lists of their intrastate tariffs, division sheets, official circulars, etc., may appear in this publication. In connection with intrastate tariffs which do not bear ICC numbers the reference mark prescribed in § 1300.4(m) must be used with explanation "Rates in this tariff do not apply on interstate shipments." All intrastate tariffs which bear ICC numbers must be properly shown in the index.

(c) A group of family lines may unite in the publication and filing by a connecting trunk line of a joint index of the tariffs of such family lines, provided the application of the tariffs as to each line is plainly indicated and such lines are shown as parties to the joint index under concurrence.

(d) The index must be kept current by supplements which need not be issued more frequently than quarterly. The index must be reissued every four years. Supplements must be numbered consecutively, must be constructed in accordance with specifications for the index itself and must show additions, changes and cancellations made in index itself or in prior supplements, by reference to the page or index number of the entry changed or canceled. Supplements may be issued without regard to volume of supplemental matter permitted by § 1300.9(e), but not more than five supplements may be in effect at any time.

(e) Each index must bear on its title page these notations: "This index contains list of tariffs in effect on (date of issue of index)" to which in proper circumstances may be added "or which have been filed to become effective at a later date as shown within"; also "This index will be reissued on or before ——19—, and all changes will be reflected in supplements issued quarterly."

(f) Each supplement to an index must bear on its title page the notation, "Supplements Nos. —— and —— contain all changes from original index that are in effect on date hereof"; to which may be added "or which have been filed to become effective at a later date as shown within."

(g) The title page of each index and of each supplement must bear date of issue but must not bear an effective date. The rule requiring thirty days' notice does not apply to these indexes and their supplements.

NOTE: One index containing both freight and passenger tariffs may be filed, but if both freight and passenger tariffs are included in one index the information required by each rule must be shown in separate sections, the index must be given an ICC number in both freight and passenger series, and four copies must be filed with the Commission.

[32 FR 20510, Dec. 20, 1967, as amended at 42 FR 36462, July 15, 1977]

§ 1300.12 Restoration and discontinuance of water service.

Tariffs containing rail-and-water, freight forwarder-and-water, rail-and-nonvessel operating water common carrier, or all-water rates applicable via routes upon which it is necessary to close navigation during a portion of each year, must provide for the restoration and discontinuance of service over such routes in the manner prescribed in paragraphs (a) to (e) of this section.

(a) *Notation on title page.* The following notation shall appear either (1) on the title page of the tariff, (2) amongst the rules governing the application of rates, or (3) immediately in conjunction with the rates to which the notation applies:

> Transportation service in connection with (here insert name of water carrier or carriers specified in the tariff) is subject to restoration and discontinuance as indicated on page ———.

When the foregoing notation is published in the tariff amongst the rules governing the application of rates, reference thereto must be made in the table of contents of the tariff, and the words "as follows" must be substituted for "as indicated on page ———."

(b) *When definite dates of service cannot be determined.* (1) When definite dates for restoration and discontinuance of transportation service for each season of navigation cannot be determined the following rule must be published in the tariff under the heading of "Application of rates":

> Shipments will be accepted by carriers parties to this tariff during the period from ——— (here show date approximately 30 days prior to the first sailing from port of transshipment) to ———(here insert date which will allow sufficient time for shipment to reach the port of transshipment prior to the last sailing) of each year, for transportation on the vessels of the ——— (here insert name of water carrier or carriers named in the tariff). Shipments also will be accepted from the latter date until the date announced by supplements to this tariff, subject to the condition that all freight left on hand at the port of transshipment after the closing of navigation for lack of space on vessels sailing after the arrival of such freight, and all freight reaching the port of transshipment after the last sailing of each season of navigation, will be forwarded via all-rail routes and be subject to the tariff rates applicable via such all-rail routes in effect on date of shipment from the point of origin of the shipment. In such cases shipping receipts, bills of lading and way-bills must bear notation to that effect. Supplements announcing the final date upon which shipments will be accepted for transportation, under this tariff and effective supplements thereto, will be filed with the Interstate Commerce Commission and posted at points from which the rates apply not less than 1 day in advance of such date.

NOTE: In applying the provisions of the preceding paragraph, the date on which final instructions are received for transportation via the water line will be considered the date of acceptance of the shipment for transportation by that line. The rate to be applied on shipments moved via the water line will be the rate in effect on the date shipments are received for transportation at points of origin.

(2) The dates for restoration and discontinuance of service as set forth in this paragraph shall be shown in boldface type.

(c) *When definite dates of service can be determined.* When definite dates for restoration and discontinuance of transportation service for each season of navigation can be determined the following rule must be published in the tariff under the heading of "Application of rates":

> Shipments will be accepted by carriers parties to this tariff, during the period from ——— (here show date approximately 30 days to the first sailing from port of transshipment) to ———(here show date which

will allow sufficient time for shipment to reach the port of transshipment prior to the last sailing) of each year, for transportation on the vessels of the —— (here insert name of water carrier or carriers named in the tariff). Shipments also will be accepted from the latter date until ——(here insert final date upon which shipments will be accepted for transportation under the tariff and effective supplements thereto), subject to the condition that all freight left on hand at the port of transshipment after the closing of navigation for lack of space on vessels sailing after the arrival of such freight, and all freight reaching the port of transshipment after the last sailing of each season of navigation, will be forwarded via all-rail routes and be subject to the tariff rates applicable via such all-rail routes in effect on date of shipment from the point of origin of the shipment. In such cases shipping receipts, bills of lading, and way-bills must bear notation to that effect.

No supplement will be issued to this tariff announcing the date of discontinuance of transportation service.

NOTE: In applying the provisions of the preceding paragraph, the date on which final instructions are received for transportation via the water line will be considered the date of acceptance of the shipment for transportation by that line. The rate to be applied on shipments moved via the water line will be the rate in effect on the date shipments are received for transportation at points of origin.

The dates for restoration and discontinuance of service as set forth in this section shall be shown in boldface type.

(d) *Contents of supplements.* Supplements announcing discontinuance of transportation service under this section may be filed with the Interstate Commerce Commission and posted at points from which the rates apply on not less than 1 day's notice by noting thereon reference to this section. Only one such supplement may be in effect at any time; it may not contain other matter and may be issued without regard to the requirements of § 1300.9(e).

(e) Tariffs may be reissued. Tariffs containing rail-and-water, freight forwarder-and-water, or all-water rates may be reissued or amended at any time in the regular manner, but tariffs containing the clause prescribed by paragraph (b) of this section which are made effective subsequent to the date of actual discontinuance of service must contain a statement that service was discontinued on ———— as per supplement No. ———— to ICC No. ———— (former tariff) and that supplement announcing discontinuance of service for that season will not be filed.

(5 U.S.C. 553; 49 U.S.C. 10321, 10703, 10749, 10762, 10766(b))

[32 FR 20510, Dec. 20, 1967, as amended at 45 FR 86741, Dec. 31, 1980]

CROSS REFERENCE: For regulations of the Federal Maritime Commission relating to tariffs of common carriers by water in interstate commerce, see 46 CFR Part 531.

§ 1300.13 Filing tariffs.

(a) *Authority to file.* Tariffs shall be published and filed by carriers either directly or through duly authorized tariff-publishing agents. When filed directly by a carrier the concurrence (or power of attorney as authorized in § 1300.18(f)), and when filed by an agent the power of attorney, of every carrier participating therein must be filed or on file with the Commission. (See §§ 1300.17 to 1300.20, inclusive.)

(b) *Agent will file under own ICC number.* A tariff publishing agent must file tariffs under his or its own single series of ICC numbers and not in the series of any of his principals. If the agent is a corporation or an unincorporated association (see § 1300.17(a)) having jurisdiction over two or more tariff publishing organizations, bureaus, or committees, the tariffs issued through each such tariff publishing organization may bear a separate series of ICC numbers.

(c) *Filing by issuing carrier or agent.* Tariffs must be filed by the issuing carrier or agent, and such filing will constitute filing for all carriers parties thereto. Such tariffs must be posted at stations of carriers participating therein in the manner required by law.

(d) *Exchange of publications.* The agent or the carrier that issues a joint tariff publication shall at once send copies thereof to each and every carrier that is named as party thereto.

(e) *Conflict between tariffs; avoidance.* A carrier that grants authority to an agent or to another carrier to publish and file certain of its rates must not in its own issues publish rates which duplicate or conflict with those which are published by such authorized agent or other carrier.

CROSS REFERENCE: For provisions concerning powers of attorney and concurrences, see §§ 1300.17 to 1300.26 inclusive.

§ 1300.14 Statutory notice; additional procedure in filing tariffs.

(a) *Period of notice.* The act requires that all changes in rates, or in rules that affect rates, shall be filed with the Commission at least 30 days before the date upon which they are to become effective unless otherwise authorized by the Commission. Manifestly it is impossible for the Commission to check the items in tariffs to determine whether or not statutory notice has been given. Therefore, except as otherwise authorized by the Commission, 30 days' notice to the public and to the Commission must be given as to every tariff publication filed with the Commission, regardless of whether or not changes are effected thereby. (See §§ 1300.3(h), 1300.9(d).)

(b) *Filing of tariffs and receipt by Commission not relief of carriers from liability.* The law affirmatively imposes upon each carrier the duty of filing with the Commission all of its tariffs and amendments thereto in the manner prescribed in the law or in any rule which may be promulgated by the Commission. A penalty is provided for failure so to do, or for using any rate which is not contained in its lawfully published and filed tariffs. The receipt and filing of a tariff or supplement by the Commission does not relieve carriers from liability for violation of the act or of regulations issued thereunder.

(c) *Interstate shipments.* Rates for through shipments are often made by adding together two or more rates. All rates used in making combination through rates for interstate shipments, including rates between points in one State, must be filed with the Commission and posted at stations and can only be changed as to such traffic in accordance with the terms of the act.

(d) *Delivery free of charges.* No tariff, revised page, or supplement will be received by the Commission unless it is delivered to it free from all charges including claims for postage.

(e) *Rejection of tariffs and notices of revocation.* (1) Any tariff or schedule, tendered for filing, which fails to give lawful notice of changes in rates, charges or other provisions which it proposes to establish, or which fails to meet the requirements of the regulations contained in this chapter, or violates any order of the Commission or of a court, is subject to rejection by the Commission. When a tariff or schedule is rejected, the Commission, acting through a designated administrative officer, will inform the carrier or the agent who tendered it for filing, in writing, of the reasons for rejection, and will return the rejected tariff or schedule to such carrier or agent.

(2) The number assigned to a tariff or schedule which has been rejected may not again be used. The rejected tariff or schedule may not be referred to in any subsequent tariff or schedule as having been canceled, amended or withdrawn, but the tariff or schedule which is published in its stead must bear the following notation: "Issued in lieu of (here identify the rejected schedule or tariff), rejected by the Commission."

(3) A notice of the revocation, complete or partial, of a concurrence or power of attorney which, if it were to become effective, would require the establishment of rates, fares, or charges in violation of an order of the Commission or of a court, or of the regulations in this chapter, may be rejected in the same manner as a tariff or schedule and any such notice of revocation which would require the establishment of rates, fares, or charges of doubtful lawfulness may be suspended.

(f) *Promulgation of rates prescribed in decisions of Commission.* (1) Rates prescribed by the Commission in its decisions and orders in formal cases shall be promulgated by the carriers against which such orders are entered, in duly published, filed, and posted tariffs, revised pages or supplements, and notice shall be sent to the Commission that its decision (or order) in Docket No. ——, has been complied with in item——, page — of —— tariff, ICC No. —— or supplement No. —— to —— tariff, ICC No. ——.

(2) Unless otherwise specified in the decision or order in the case, such tariff or supplement must be made effective upon statutory notice to the Commission and to the public. Whether made effective on less than statutory notice under special authority granted in the decision or order in the case, or upon statutory notice, when an entire tariff or supplement is issued in compliance with a decision or order, such tariff or supplement shall bear on its title page the notation "In compliance with decision (or order) of Interstate Commerce Commission in Docket No. ———." (Whenever possible, the volume and page number of the report of the Interstate Commerce Commission should be shown.)

(3) If the decision or order of the Commission affects only portions of the tariff or supplements, the above notice shall be shown in connection with each portion so affected.

(4) In establishing rates, classifications, rules or regulations effective on less than 30 days' notice under authority of a decision or order of the Commission in a formal case, the carrier or carriers parties of the record, or that are lawful parties to a joint tariff in which the rates, classifications, rules, or other regulations that are prescribed are published by some carrier that is a party to the record, may include change or changes in commodity or commodities that are grouped with that or those which are specified in the decision or order; and may include adjustment at other points in order to conform rates to the provisions of the fourth section of the act, or to preserve established grouping or relation of points; and may also include adjustment of rates to same points on other commodities for the purpose of maintaining established relation of rates between commodities; *Provided*, All changes made under authority of this section shall be effected by reductions in rates or charges.

(5) If a carrier that is not a party to the record or to the joint tariff desires to make on less than statutory notice the same changes that are made under the decision or order by carrier that is party to the same it must secure special permission so to do. (See also § 1300.9(m).)

(g) *Explanation of missing numbers or letters required.* Tariffs, bearing ICC numbers (not standard ICC designations), and supplements are required to be numbered consecutively, and tariffs bearing standard ICC designations (not ICC numbers) (see § 1300.31—ICC Numbering Systems) are required to have alphabetical suffixes affixed to the ICC designations when the tariffs are reissues of prior tariffs bearing standard ICC designations. Insofar as possible publications should be filed in such consecutive order. If, for any reason, this is not done, the tariff or supplement which is not numbered or lettered in sequence with the publication last filed must be accompanied by a memorandum explaining why consecutive numbers or letters were not used.

(h) *Number of copies; address.* Two copies of each tariff, supplement, revised page, classification, or other schedule of rates or regulations, shall be filed with the Commission, both copies to be filed together under one letter of transmittal (see § 1300.29). They must be addressed to the "Interstate Commerce Commission, Washington, D.C. 20423," with the envelope marked as containing "Tariffs."

(Sec. 310a, 5 U.S.C. 553, 558; 49 U.S.C. 20, 310a, 318, 319, 904, 906, 1003, 1005, 1013; sec. 20, 24 Stat. 386; 49 Stat. 561, 563; sec. 210a, 52 Stat. 1237, 1238; secs. 304, 306, 54 Stat. 933, 935; secs. 403, 405, 413, 56 Stat. 285, 287, 295; 80 Stat. 378)

[32 FR 20510, Dec. 20, 1967, as amended at 43 FR 8532, Mar. 2, 1978]

§ 1300.15 Rate basis books.

(a) Separate tariffs may be filed showing lists of points located in territorial groups such as "Dayton-South Bend territory," "Colorado common points," "Chicago and points taking same rates," "Baltimore and points taking same rates and points taking arbitraries or differentials to be added to or deducted therefrom," or "Points taking arbitraries over or under base points." Such a publication shall be known as a "Territorial Directory," as a tariff of "Rate Bases," or as a tariff of "Rate Bases and Billing Instructions," all of which will hereinafter be referred to as rate basis books. Such tariffs may also contain routing, waybilling instructions, and divisions, provided duplicate or conflicting routing or waybilling instructions are not also shown in the base rate tariff or in publications which govern that tariff and may be published either by one of the interested carriers or by an agent. When such a separate publication is used, reference must be made in the rate tariff to the ICC number of such separate publication. A rate tariff may not refer to another rate tariff for lists of points in territorial groups, routing, or waybilling instructions. All carriers shown as participating carriers in the tariff of rates making reference to the separate publication shall also be shown as participating carriers in such separate publication.

(b) On and after October 10, 1930,[1] no one rate may be governed by more than two such separate publications, one for points of origin and one for points of destination.

(c) Rate basis books must conform to the following requirements. Such publications should name all of the points in the territories covered and may not rely upon intermediate application rules for this purpose. The railroad location of each point must be shown, and the points in such publication must be arranged in alphabetical order, or such publication must contain an index as provided in § 1300.4(d). The rate basis, group location, or territorial application, or arbitraries or differentials to be added to or deducted from the base or group rates, must be shown immediately in connection with the name of each station, except that reference may there be made to an item showing such information. Exceptions to the rate basis, group location, or territorial application should not be made in the rate basis books unless such exceptions apply to or from a considerable number of points or on a considerable number of commodities. When the arbitraries or differentials to be added to or deducted from the base rates are subject to a different classification or to different classification exceptions than apply in connection with the base rates, references to such classification and exceptions thereto must be made immediately in connection with the arbitraries or differentials.

(d) All the rules and regulations governing the through rates determined by the use of the base rate tariff and rate basis books should be published in the base rate tariff or should be made a part thereof by reference as provided in §§ 1300.4 (h), (k), and/or 1300.10. If, however, it is necessary in particular cases to include rules or regulations in the rate basis books, such rules must not duplicate or conflict with rules contained in the base rate tariff or made a part thereof by reference to other publications.

§ 1300.16 Classification; exceptions tariff.

(a) *Classification.* (1) A classification as the term is used in this part has reference to a tariff in which all of the commodities which the carriers parties thereto may be called upon to transport, so far as can reasonably be foreseen, are listed either by specific or generic names and are assigned to ratings or classes with reference to which the carriers' class rates are applied. The classification must contain an alphabetical index of all of the articles so listed.

(2) Appropriate rules should be provided in a classification, not only to govern the application of the classification itself, but also the application of other tariffs which are made subject to the classification. Each rule should be so expressed as to make it clear whether it applies only in connection with the classification proper, or in connection also with classification exceptions and commodity tariffs governed by the classification. The rules must be separately numbered, and thoroughly and accurately indexed.

(3) Among others, each classification must contain the following rules:

(i) Except when provision is made in exceptions tariffs for alteration of the exceptions with this classification, the establishment of a classification exception removes the application of the corresponding provisions of this classification on traffic covered by such exception.

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[1] Except as to carriers in official territory the date was postponed until July 20, 1938, by amendment No. 13 to Special Permission No. 101515.

(ii) Unless otherwise provided in applicable tariffs, if there is an effective commodity rate on a given shipment, that rate and not the class rate must be applied, except that rates (either class or commodity) specifically designated as applicable only on import, export, coastwise or intercoastal shipments must be applied on such shipments to the exclusion of all other rates not so designated.

(4) When a tariff is governed by a classification each carrier for which the tariff so governed applies must also be a party to the classification.

(5) Each classification should state on its title page:

> This tariff is applicable only in connection with tariffs specifically made subject hereto.

(b) *Exceptions tariff.* (1) An exceptions tariff as the term is used in this part is a tariff which contains exceptions to the ratings and/or rules in a classification. Except as provided in paragraph (b)(9) of this section, classification exceptions may be published only in exceptions tariffs.

(2) If it is desired to establish rates differing from the classification basis between a limited number of points, the method of publication must be by commodity rate tariffs and not by classification exceptions.

(3) Each exceptions tariff must state on its title page that it contains exceptions to a designated classification, and that:

> This tariff is applicable only in connection with tariffs specifically made subject hereto.

(4) When a tariff is governed by an exceptions tariff each carrier for which the tariff so governed applies must also be a party to the exceptions tariff.

(5) A rate tariff may not be made subject to more than one exceptions tariff unless the rate tariff is subject to more than one classification, in which case the rate tariff may be made subject to not more than one exceptions tariff for each classification.

(6) Commodities for which ratings are provided in an exceptions tariff shall be listed and indexed therein in a manner corresponding with that in the classification. Commodity descriptions in the exceptions tariff should, so far as possible, conform to those in the classification. Exceptions to rules must be numbered and completely indexed, and each rule in the exceptions tariff must specify the rule in the classification to which it is in fact an exception. Each rule must likewise indicate clearly, as in the classification, whether it applies only in connection with traffic for which ratings are provided in the exceptions tariff or whether it has broader application, and if so, precisely how much broader.

(7) Alternation of certain ratings in an exceptions tariff with corresponding ratings in the classification (general alternation is not permitted) may be accomplished by publishing the following provision in the rules of the exceptions tariff and making specific reference to it in each item as to which alternation is desired, or by publishing it, appropriately modified, immediately in conjunction with each such item:

> If on a given shipment the charge accruing under the provisions of (here identify the classification) is lower than that accruing under an item of this tariff which makes specific reference hereto, the lower charge under the classification will apply.

For alternation purposes, there may be published in the same item of an exceptions tariff an exceptions rating and a rating on the same article reproduced from the classification.

(8) Rules which are not classification exceptions, as covered by § 1300.4(h) may be included in exceptions tariffs. In such cases the exceptions tariff will be counted in applying the provisions of § 1300.4(h). Commodity lists as authorized by § 1300.6(a) may also be published in exceptions tariffs, in which case the carriers parties thereto may not publish other general commodity-list tariffs. When classification exceptions are thus published in the same tariff with other rules and/or commodity lists, the tariff shall be divided into sections, the first containing the rules (all rules), the second containing the exceptions (ratings only), and the third containing commodity lists. The several sections must be separately indexed.

(9) Classification exceptions, either ratings or rules, which apply only in

connection with the class rates published in a particular tariff may be published in that tariff.

§ 1300.17 Tariffs issued through an agent.

(a) If a carrier desires to issue a tariff or tariffs through an agent it may do so by filing with the Commission an appropriate power of attorney to the designated agent. Agents may be either natural persons, corporations, or unincorporated associations whose articles of association (or other form of agreement) have been approved by the Commission in a proceeding pursuant to the provisions of section 5a, part I, of the Interstate Commerce Act. An officer or employee of an incorporated tariff-publishing agent may not act as an agent in his individual capacity for the publication of tariffs.

(b) When an association or corporation has been appointed an issuing agent the executive head thereof shall at once notify the Commission of the name of the individual who is to be responsible for the actual compilation and filing of each ICC series of tariffs issued by the agent. There may be only one issuing officer for each such series of tariffs, and the same individual may not act as issuing officer for more than one series without the special permission of the Commission. When an issuing officer is replaced the Commission shall be immediately notified in like manner of his successor.

(c) When a natural person is authorized by power of attorney to act as a tariff-publishing agent, such instrument shall designate another natural person to act as alternate agent in the event of the death or disability of the principal agent. On or before the date of filing of the first tariff or supplement by the alternate agent under the authority granted in the instrument, such alternate agent shall notify the Commission in writing that death or disability of the principal agent has occurred and that he, the alternate agent, will thereafter act until the appointment of a new principal agent. The term "disability" as used in the instrument means resignation, permanent transfer to other duties, or other permanent absence of the principal agent. After an alternate agent has once exercised the authority granted by the instrument, the principal agent may not thereafter act under that instrument.

§ 1300.18 Powers of attorney.

(a) *Publishing agents.* (1) A power of attorney shall be used by a carrier to give to a publishing agent, but not to another carrier, authority to publish and file freight rate tariffs and supplements for it, except that a carrier may give a power of attorney to another carrier in the circumstances and subject to the conditions stated in paragraph (f) of this section. Powers of attorney given to publishing agents may be either unlimited or limited, and in the case of corporations or unincorporated associations comprised of more than one bureau, committee or regional organization, the power of attorney may consist of multiple instruments, such instruments to define separately the authority to be exercised by each component bureau, committee or regional organization.

(2) A carrier may not have in effect at the same time an unlimited power of attorney and a limited power of attorney in favor of the same agent for use by the same bureau, committee, or regional organization.

(b) *Unlimited power of attorney form.* (1) An unlimited power of attorney, when given to a publishing agent, authorizes the agent to file any freight tariff in which the carrier giving the power is a participating carrier. Form FA1 confers unlimited authority to publish local rates and charges for the carrier issuing the power and to publish joint rates and charges for such carrier and such other carriers as have issued the necessary authority.

(2) The following form of power of attorney, FA1, shall be used to give such unlimited powers:

POWER OF ATTORNEY

FA1 No. —
Cancels —— No. —

____
(Name of carrier)

____
(Mail address)

____
(Date)

Know All Men by These Presents:

That the [full and correct name of carrier] has made, constituted, and appointed, and by these presents does make, constitute, and appoint [name of principal agent] its true and lawful attorney and agent, to file in its name, place, and stead, (1) for it alone, and (2) for it jointly with other carriers [through its (name of bureau, committee, or regional organization, if any)] freight tariffs and supplements thereto, as required of common carriers by existing laws and regulations established thereunder. And does hereby give and grant unto its said attorney and agent full and unlimited power and authority to do and perform all and every act and thing above specified as fully, to all intents and purposes, as if the same were done and performed by the undersigned carrier itself, and does hereby assume full responsibility for the acts and failures to act of said attorney and agent.

And, further, that the undersigned carrier does hereby make and appoint [name of alternate agent] alternate attorney and agent to do and perform the same acts and exercise the same authority herein granted to the principal agent in the event and only in the event of the death or disability of the above-named principal agent.

____
(Name of carrier)

By ____________________________

Its ____________________________
(Title)

Duplicate mailed to:
(Name of Agent)
(Address)

(c) *Limited power of attorney form.* (1) A power of attorney may be limited in any appropriate manner provided the limitations are specifically and unambiguously expressed in the instrument. For example, the agent may be authorized to publish only local rates, only joint rates, only rates and charges on specified commodities or in a specified territory, or only specified tariffs or types of tariffs.

(2) The following power of attorney, Form FA2, shall be used to give such limited authority:

POWER OF ATTORNEY

FA2 No. —
Cancels —— No. —

____
(Name of carrier)

____
(Mail address)

____
(Date)

Know All Men by These Presents:

That the [full and correct name of carrier] has made, constituted, and appointed, and by these presents does make, constitute and appoint [name of principal agent] its true and lawful attorney and agent, to file in its name, place, and stead, (1) for it alone, and (2) for it jointly with other carriers [through its (name of bureau, committee, or regional organization, if any)], freight tariffs and supplements thereto and successive reissues thereof, as required of common carriers by existing laws and regulations established thereunder, but only as hereinafter specified:

____
(Here specify affirmatively the precise authority given to the agent)

And does hereby give and grant unto its said attorney and agent full power and authority to do and perform all and every act and thing above specified as fully, to all intents and purposes, as if the same were done and performed by the undersigned carrier itself, and does hereby assume full responsibility for the acts and failures to act of said attorney and agent.

And, further, that the undersigned carrier does hereby make and appoint [name of alternate agent] alternate attorney and agent to do and perform the same acts and exercise the same authority herein granted to the principal agent in the event and only in the event of the death or disability of the above named principal agent.

____
(Name of carrier)

By ____________________________
Its ____________________________
(Title)

Duplicate mailed to:
(Name of Agent)
(Address)

(d) *Manner of execution.* (1) In the blank space for the name of the carrier in Forms FA1, FA2, and FA3, there must be shown, if the carrier is an individual, the individual name followed by the trade name, if any. If the carrier is a partnership, the correct names of all partners must be given, followed by the trade name, if any. If the carrier is a corporation, the correct corporate name must be used.

(2) If the carrier is an individual, the power of attorney must be signed by the individual; if a partnership, the power of attorney must be signed individually by each partner. If the carrier is a corporation, the power of attorney must be signed by the president, a vice-president or any other authorized official of the carrier. However, before the signature of an employee other than the president or a vice-president on a power of attorney will be recognized by the Commission, the carrier must file with the Commission, over the signature of the president or a vice-president, a statement reciting that the individual is authorized to sign powers of attorney. The statement must include a specimen signature of the individual or individuals so designated. The authority to sign powers of attorney may be conferred in the manner described, on more than one official of the carriers. If the carrier is being operated by trustees or receivers the power of attorney must be signed by each trustee or receiver individually or by his or their designee. Trustees or receivers may invest others with the authority to sign in the same manner as the president or vice-president of a corporation may confer the authority on subordinate officials.

(3) If the agent appointed by either FA1 or FA2 is a corporation or an unincorporated association the last full paragraph of the form shall be omitted.

(e) *Joint agents.* If an agent does not hold the requisite authority to publish a particular tariff the authority to do so may be obtained by pooling the authority held by him with that held by one or more other agents, and the tariff may be published jointly by both or all such agents in the ICC series of each. For example, if one agent has authority to publish rates only from territory A to territory B, and another agent has authority to publish rates only from territory B to territory A, the rates may be published in a single tariff on a "between" basis and filed with the Commission as a joint tariff of both agents under the ICC series of each.

(f) *Carrier acting for another carrier.* (1) A power of attorney may be given by small carriers to large carriers with which they connect, or by subsidiary to parent carriers, authorizing the large or parent carriers to publish tariffs, to give and receive concurrences, and to give powers of attorney to agents, all in behalf of the small or subsidiary carrier. The authority granted may be unlimited, as in the form which follows (Form FA3), or it may be limited in any appropriate manner, provided the limitations are specifically and unambiguously expressed in the instrument. When an FA3 form of power of attorney has been given, the granting carrier may not thereafter do in its own behalf anything which it has authorized the grantee carrier to do in its stead. Concurrences and powers of attorney given by the grantee carrier will, however, be deemed to be given on its own behalf only, unless the instrument expressly recites that it is given or is also given, in behalf of the granting carrier. An FA3 form of power of attorney will be construed as authorizing the grantee carrier to give a concurrence to itself in behalf of the granting carrier.

(2) The following form of power of attorney, Form FA3, shall be used by a carrier to give authority to another carrier. When the authority is to be limited in any way, the form should be altered to the extent necessary.

POWER OF ATTORNEY

FA3 No. —
Cancels —— No. —

____
(Name of carrier)

____
(Mail address)

____
(Date)

Know All Men by These Presents:

That the [name of granting carrier] has made, constituted, and appointed, and by these presents does make, constitute, and appoint [name of grantee carrier] its true and lawful attorney and agent (1) to issue in its name, place and stead powers of attorney to tariff-publishing agents, (2) to give and receive in its name, place and stead concurrences in tariffs of other carriers, and (3) to publish and file, or cause to be published and filed, freight tariffs and supplements thereto and successive reissues thereof, in which the undersigned carrier is a participant, all as required of common carriers by existing laws and regulations established thereunder. And the undersigned carrier does hereby give and grant unto its said attorney and agent, full, sole and exclusive power and authority to do and perform all and every act and thing above specified for and on behalf of the undersigned carrier as fully, to all intents and purposes, as if the same were done and performed by the undersigned carrier itself and does hereby assume full responsibility for the acts and failures to act of its attorney and agent.

———————————————
(Name of carrier)
By ———————————————
Its ———————————————
(Title)

Duplicate mailed to:
(Name and Title of Officer)
(Name of Carrier)
(Address)

§ 1300.19 Concurrences.

(a) A carrier desiring to become a participant in a tariff or tariffs issued by another carrier (not by an agent) may do so by filing with the Commission a limited or unlimited concurrence (except as provided in § 1300.18(f)) in one of the four following forms. In Forms FC2 and FC4 the limitations must be specifically and unambiguously expressed.

(1) Form FC1 which follows is unlimited and covers all freight tariffs applying on traffic moving from, to, via or at points on the line of the carrier giving the concurrence:

CONCURRENCE

FC1 No. —
Cancels —— No. —

———————————————
(Name of carrier)

———————————————
(Mail address)

———————————————
(Date)

TO THE INTERSTATE COMMERCE COMMISSION,
WASHINGTON, D.C. 20423.

This is to certify that [name of carrier issuing concurrence] assents to and concurs in all freight tariffs and supplements thereto, filed by [name of carrier to which concurrence is given] in which the undersigned carrier is shown as a participant, and the undersigned carrier hereby makes itself a party thereto and bound thereby insofar as such tariffs apply from, to, via or at points on its lines, until this authority is revoked by formal notice of revocation filed with the Interstate Commerce Commission and sent to the carrier to which this concurrence is given.

———————————————
(Name of carrier)
By ———————————————
Its ———————————————
(Title)

Duplicate mailed to:
(Name and Title of Officer)
(Name of Carrier)
(Address)

(2) Form FC2 covers freight tariffs applying on limited but affirmatively specified traffic moving from, to, via or at points on the line of the carrier giving the concurrence. The form follows:

CONCURRENCE

FC2 No. —
Cancels —— No. —

———————————————
(Name of carrier)

———————————————
(Mail address)

———————————————
(Date)

TO THE INTERSTATE COMMERCE COMMISSION,
WASHINGTON, D.C. 20423.

This is to certify that [name of carrier issuing concurrence] assents to and concurs in all freight tariffs and supplements thereto, filed by [name of carrier to which concurrence is given] in which the undersigned carrier is shown as a participant, but only to the extent that such tariffs apply:

(Here affirmatively state the limitations, such as designating the commodities to which, the points to and/or from and/or at which, the limited territory within which, or the specific publication(s) or series of tariffs to which, the concurrence shall be applicable.)

And the undersigned carrier hereby makes itself a party thereto and bound thereby insofar as such tariffs apply from, to, via or at points on its lines, until this authority is revoked by formal notice of revocation filed with the Interstate Commerce Commission and sent to the carrier to which this concurrence is given.

____

(Name of carrier)

By ____

Its ____

(Title)

Duplicate mailed to:
(Name and Title of Officer)
(Name of Carrier)
(Address)

(3) Form FC3 is restricted to freight tariffs applying on traffic moving to points on or via the line of the carrier giving the concurrence but is not otherwise limited. The form follows:

CONCURRENCE

FC3 No. —
Cancels —— No. —

____

(Name of carrier)

____

(Mail address)

____

(Date)

To THE INTERSTATE COMMERCE COMMISSION,
WASHINGTON, D.C. 20423.

This is to certify that [name of carrier issuing concurrence] assents to and concurs in all freight tariffs or supplements thereto filed by the [name of carrier to which concurrence is given] in which the undersigned carrier is shown as a participant, and hereby makes itself a party thereto and bound thereby, insofar as such tariffs or supplements contain rates or other provisions applying via its lines and to, but not from or at, points thereon, until this authority is revoked by formal notice of revocation filed with the Interstate Commerce Commission and sent to the carrier to which this concurrence is given.

____

(Name of carrier)

By ____

Its ____

(Title)

Duplicate mailed to:
(Name and Title of Officer)
(Name of Carrier)
(Address)

(4) Form FC4 which follows covers freight tariffs applying on limited but affirmatively specified traffic moving to points on or via the line of the carrier giving the concurrence.

CONCURRENCE

FC4 No. —
Cancels —— No. —

____

(Name of carrier)

____

(Mail address)

____

(Date)

To THE INTERSTATE COMMERCE COMMISSION,
WASHINGTON, D.C. 20423.

This is to certify that [name of carrier issuing concurrence] assents to and concurs in all freight tariffs or supplements thereto filed by [name of carrier to which concurrence is given] in which the undersigned carrier is shown as a participant, but only to the extent that such tariffs apply:

(Here affirmatively state the limitations, such as designating the commodities to which, the points to or the lines over which the limited territory within which, or the specific publication(s) or series of tariffs to which, the concurrence shall be applicable.)

And the undersigned carrier hereby makes itself a party to such tariffs and bound thereby insofar as such tariffs or supplements contain rates or other provisions applying via its lines and to, but not from or at, points thereon, until this authority is revoked by formal notice of revocation filed with the Interstate Commerce Commission and sent to the carrier to which this concurrence is given.

____

(Name of carrier)

By ____

Its ____

(Title)

Duplicate mailed to:
(Name and Title of Officer)
(Name of Carrier)
(Address)

(b) Concurrences shall be personally signed by any official of the issuing carrier.

(c) If a carrier has been authorized by power of attorney to issue concurrences in behalf of one or more small or subsidiary carriers (see § 1300.18(f)), the carrier holding such authority may by a single instrument issue a concurrence in its own behalf and in behalf of any or all of such small or subsidiary carriers.

§ 1300.20 Filing of powers of attorney and concurrences.

(a) If a power of attorney or concurrence is issued subsequent to the date of the filing of the tariff with the Commission the original instrument shall be forwarded directly to the Commission with a copy to the issuing agent or carrier, but if it is issued prior to or concurrently with the issuance of the tariff, the original instrument may either be forwarded directly to the Commission, or it may be sent to the carrier or agent issuing the tariff and be transmitted by it or him to the Commission with the tariff. (For exceptions see §§ 1300.22 and 1300.23(a).)

(b) Powers of attorney, concurrences, amendments thereto and revocation notices shall be printed or typed on paper of good quality, 8 × 10½ inches, and must show the date on which they are issued. Each power of attorney and concurrence shall bear a form and serial number, the serial numbers to run consecutively for each form of instrument. Concurrences issued by a carrier jointly in its own behalf and in behalf of one or more other carriers (see § 1300.18(f)) may, if desired, be issued under a separate series of numbers. The form and serial numbers shall be shown on the upper right-hand corner and immediately thereunder shall be shown the form and number of the power of attorney or concurrence, if any, which is canceled thereby. If the instrument to be canceled contains more authority or is broader in scope than the new instrument, such new instrument must in addition to the date of issue, bear an effective date at least 60 days after the date on which it is received by the Commission. When the new instrument is the same or broader in scope than the instrument which it cancels, it becomes effective when filed with the Commission. The instrument shall also show, in the lower left-hand corner, the name, title and address of the person to whom the duplicate is sent.

§ 1300.21 Certificate stating correct name of carrier to be filed.

When a corporate or partnership carrier files its first tariff, power of attorney or concurrence, it shall also file a certificate stating the precisely correct name of the carrier as it appears in the charter or articles of incorporation, or in the articles of co-partnership, as the case may be. If, for example, the article "The" is a part of the carrier's name, if the conjunction "and" appears therein as "&", or if the word "Company" is abbreviated to "Co.", the certificate must so indicate.

§ 1300.22 Transfer of authority from one agent to another agent.

(a) When it is desired to transfer authority from one agent to another agent superseding the former agent as to all such agent's effective tariffs, the transfer shall be accomplished by filing a new power of attorney naming the agent (and alternate when the new agent is a natural person) thereafter to serve, which shall specifically cancel the previous instrument or instruments, by including the following in the power of attorney to the new agent:

This power of attorney cancels the following power(s) of attorney:

Power of attorney form and number	In favor of
(Insert power of attorney forms and numbers)	(Insert name of agent and alternate)

(b) Under all other conditions the power of attorney must be revoked in accordance with § 1300.26(b).

(c) The originals of such powers of attorney shall not be sent immediately to the Commission, but shall be forwarded to the new agent, who, after all the necessary instruments shall have been secured, shall file all of the originals with the Commission at one time. The new agent may file no tariffs with the Commission until the powers of attorney from all of the carriers shown therein as participants have been so filed.

§ 1300.23 Procedure when one publishing agent succeeds another.

(a) When powers of attorney have been issued to a natural person and his alternate, and death or disability of either the principal agent or the alternate occurs, new powers of attorney shall be filed with the Commission within 180 days, canceling the previous instruments and designating the new agent (and also his alternate if the new agent is a natural person) thereafter to serve. If the filing of the new instruments is occasioned by the death or disability of the former alternate, the new instruments may, if desired, continue the former principal agent and designate a new alternate only. Likewise if death or disability of the principal agent has occurred it is permissible to continue the former alternate agent in the new instruments and designate a new principal agent only. As soon as the instruments appointing the new agent are filed the alternate agent who in the interim has acted may no longer do so. The new powers of attorney shall not be forwarded directly to the Commission, but shall be collected by the new agent and forwarded to the Commission together, as provided in § 1300.22. The new agent may not file a tariff for any carrier until that carrier's power of attorney to him is on file with the Commission.

(b) In the first amendment to each tariff issued by the alternate agent after the death or disability of the principal agent, there shall be shown a statement reading substantially as follows: "On and after (show here the date on which the principal agent ceased to act) this publication shall be considered as the issue of ——, Alternate Agent."

(c) A new agent, on or after the filing of his or its authorities, shall include in the next supplement to each of the effective tariffs previously taken over by the alternate agent a statement reading substantially as follows: "On and after (show here the date on which the new authorities are filed with this Commission) this publication shall be considered as the issue of ——, Agent."

§ 1300.24 ICC numbers of tariffs issued by a new agent or alternate agent.

Tariffs issued by a new agent may be, and those issued by an alternate agent must be, numbered in the ICC series of the former agent. If it is desired to number the tariffs of a new agent in a different ICC series, this may be done as to new or reissued tariffs, but amendments (supplements or revised pages) to tariffs issued by the former agent must be continued in the original series.

§ 1300.25 Powers of attorney and concurrences in special situations.

(a) *Joint concurrences.* If joint concurrences are issued in behalf of two or more carriers by the same traffic officer, all concurrences in each series must be issued on behalf of all such carriers, except as to concurrences interchanged between those carriers. If concurrences in a single series are issued separately for different carriers, separate files in that series must be maintained for each carrier, and concurrences of each carrier must be issued in consecutive numerical order as required by § 1300.20(b).

(b) *When operation discontinued or taken over by another carrier.* Powers of attorney and concurrences issued in favor of a carrier which has discontinued operations should be revoked within 120 days after such discontinuance. If its operations have been taken over by another carrier all effective powers of attorney and concurrences should be canceled within 120 days either by new issues or revocation notices.

NOTE: § 1300.25(b) applies, among other situations, when an incorporated carrier is placed in the hands of trustees or receivers and is thereafter reorganized. When trustees or receivers are appointed they normally assume, and the corporation discontinues, operations; and thereafter, following reorganization, operations again pass from the receivers or trustees to the reorganized corporation.

(c) *Forms for joint rail-motor tariffs.* Powers of attorney and concurrences authorizing the publication of joint rail-motor tariffs and supplements shall be issued on the standard FA and FC Forms described in §§ 1300.18 and 1300.19. Such powers of attorney and concurrences must bear the following notation in the upper portion of the document: "Joint Rail-Motor Power of Attorney" or "Joint Rail-Motor Concurrence."

§ 1300.26 Amendment and revocation of powers of attorney and concurrences.

(a) *Amendments.* (1) A power of attorney on Forms FA2 or FA3 or a concurrence on Forms FC2 or FC4 may be amended by issuing an "Amendment to Power of Attorney," or "Amendment to Concurrence," respectively. However, only four amendments to any one power of attorney or concurrence will be permitted. The amendment must specify with particularity the exact change in the scope of the powers or the authority conferred, by appropriate reference by number to the power of attorney or concurrence affected, by identification by ICC and agent's or carrier's number of the tariff or tariffs affected, and by a detailed description of the traffic or territory affected.

(2) If an amendment to a power of attorney or to a concurrence reduces the scope of the original instrument, such amendment must bear in addition to the date of issue, an "effective" date at least 60 days after the date on which it is received by the Commission. If the amendment adds to or increases the scope of the original power of attorney or concurrence, no notice is required, and it becomes effective when filed with the Commission. (See paragraph (e) of this section.)

(3) The form of an "Amendment to Power of Attorney" is as follows:

AMENDMENT TO POWER OF ATTORNEY

Amendment No. —
To FA No. —

____
(Name of carrier)

____
(Mail address)

____
(Date)

Know All Men by These Presents:

Effective ———— (date), the undersigned hereby amends the above-numbered power of attorney, in the following respects:

____

____
(Name of carrier)

By ____________________
Its ____________________
(Title)

Duplicate mailed to:
(Name of Agent or Carrier)
(Address)

(4) The form of an "Amendment to Concurrence" is as follows:

AMENDMENT TO CONCURRENCE

Amendment No. —
To FC — No. —

____
(Name of carrier)

____
(Mail address)

____
(Date)

TO THE INTERSTATE COMMERCE COMMISSION,
WASHINGTON, D.C. 20423.

The undersigned hereby amends FC — No. — in the following respects:

____

____
(Name of carrier)

By ____________________
Its ____________________
(Title)

Duplicate mailed to:
(Name of Carrier)
(Address)

(b) *Revocations.* A power of attorney or a concurrence may be revoked upon not less than 60 days' notice by filing a Notice of Revocation with the Commission and serving at the same time a copy thereof on the agent, in the case of powers of attorney on Forms FA1 and FA2, or on the carrier, in the case of concurrences or powers of attorney on FA3, in whose favor the instrument was executed. Such notice shall not bear a separate serial number, but shall specify the form and number of the power of attorney, or the form and number of the concurrence, to be revoked, shall name the agent, and alternate agent, if any, or the carrier in whose favor the instrument was executed, and shall specify a date upon which revocation is to become effective. (See paragraph (e) of this section.)

(c) *Corresponding revision of tariff.* When a power of attorney or concurrence is revoked corresponding revision of the tariff or tariffs must be made not later than the effective date stated in the notice of revocation. If the tariff or tariffs are not so amended the rates and other provisions therein remain effective and must be protected by the carrier or carriers responsible for their continued maintenance.

(d) *Form for revocations.* Revocation notices shall be in one of the following forms, as appropriate:

Revocation Notice

(Power of Attorney)

————————————————

(Name of carrier)

————————————————

(Mail address)

————————————————

(Date)

Know All Men by These Presents:

Effective ———— (date), power of attorney FA ———— No. ————, issued by (Name of carrier issuing power of attorney) in ———————— favor of ———————— —

————————————————

(Name of carrier, or agent (an alternate), if any) is hereby canceled and revoked.

————————————————

(Name of carrier)

By ————————————————

Its ————————————————

(Title)

Duplicate mailed to:
(Name of Agent or Carrier)
(Address)

Revocation Notice

(Concurrence)

————————————————

(Name of carrier)

————————————————

(Mail address)

————————————————

(Date)

To the Interstate Commerce Commission,
Washington, D.C. 20423.

Effective ———— (Date) concurrence FC ———— No. ————, issued by

————————————————

(Name of carrier issuing concurrence) in favor of ————————————————

(Name of carrier)

is hereby canceled and revoked.

————————————————

(Name of carrier)

By ————————————————

Its ————————————————

(Title)

Duplicate mailed to:
(Name of Carrier)
(Address)

(e) *Manner of execution.* (1) An amendment to, or a revocation of a power of attorney shall be executed in the same manner as powers of attorney, and a statement of the kind specified in § 1300.18(d) shall be filed with the Commission to designate persons authorized to sign such amendments or revocations. The statement filed in accordance with § 1300.18(d) may include in the one instrument designations and specimen signatures of persons authorized to sign powers of attorney, amendments to powers of attorney, and revocations of powers of attorney.

(2) An amendment to, or a revocation of a concurrence shall be executed in the same manner as concurrences. (See § 1300.19(b).)

§ 1300.27 Intermediate application of rates.

Tariffs may provide for the application of class or commodity rates from or to intermediate points (except for account of irregular-route motor carriers) by incorporating in such tariffs the appropriate one or more of the rules set forth below, subject to the limitations of this section.

(a) *Intermediate rules to be used only where routing is provided.* Effective on and after June 10, 1959, an intermediate point rule may not be published so as to result in establishing from (or to, as the case may be) an intermediate point, a rate from (or to) a more distant point unless the tariff contains specific routing instructions showing definitely in accordance with the plan listed in paragraph (k)(1)(i) of § 1300.4 the routes through the intermediate point over which the rate from (or to) the more distant point applies.

(b) *Intermediate point commodity rate rules*—(1) *From intermediate points.* Subject to the provisions of notes 1, 2, 3, and 4 in this paragraph from any point of origin from which a commodity rate on a given article to a given destination and via a given route is not named in this tariff, which point is intermediate to a point from which a commodity rate on said article is published in this tariff via a route through the intermediate point over which such commodity rate applies to the same destination, apply from such intermediate point to such destination and via such route the commodity rate in this tariff on said article from the next point beyond from which a commodity rate is published herein on that article to the same destination via the same route.

NOTE 1: When by reason of branch or diverging lines there are two or more "next beyond" points, apply the rate from the next point beyond (in this tariff) which on that article to the same destination via the same route results in the lowest charge.

NOTE 2: If the intermediate point is located between two points from which commodity rates on the same article via the same route are published in this tariff, apply via that route from the intermediate point the rate from the next point in either direction which results in the higher charge. In applying this note, if there are two or more next beyond points due to branch or diverging lines, eliminate all such next beyond points except the point from which the lowest charge is applicable.

NOTE 3: If the class rate on the same article via the same route from the intermediate point produces a lower charge than would result from applying the commodity rate under this rule, such commodity rate will not apply.

NOTE 4: If there is in any other tariff a commodity rate on the same article from the intermediate origin point applicable over the same route to the same destination, the provisions of this rule are not applicable from such intermediate origin point.

(2) *To intermediate points.* Subject to the provisions of notes 1, 2, 3, and 4 in this subparagraph, to any point of destination to which a commodity rate on a given article from a given point of origin and via a given route is not named in this tariff, which point is intermediate to a point to which a commodity rate on said article is published in this tariff via a route through the intermediate point over which such commodity rate applies from the same point of origin, apply to such intermediate point from such point of origin and via such route the commodity rate in this tariff on said article to the next point beyond to which a commodity rate is published herein on that article from the same point of origin via the same route.

NOTE 1: When by reason of branch or diverging lines, there are two or more "next beyond" points, apply the rate to the next point beyond (in this tariff) which on that article from the same point of origin via the same route results in the lowest charge.

NOTE 2: If the intermediate point is located between two points to which commodity rates on the same article via the same route are published in this tariff, apply via that route to the intermediate point the rate to the next point in either direction which results in the higher charge. In applying this note, if there are two or more next beyond points due to branch or diverging lines, eliminate all such next beyond points except the point to which the lowest charge is applicable.

NOTE 3: If the class rate on the same article via the same route to the intermediate point produces a lower charge than would result from applying the commodity rate under this rule, such commodity rate will not apply.

NOTE 4: If there is in any other tariff a commodity rate on the same article to the intermediate destination point applicable over the same route from the same point of origin the provisions of this rule are not applicable to such intermediate destination point.

(c) *Intermediate point class-rate rules.* Class rates should be provided between practically all points and there appears little occasion for the employment of intermediate point rules in connection with class rates except for the purpose of establishing rates from and to newly established stations. For this purpose only the following clause may be shown in tariffs for use in connection with class rates: "From or to any point not named in this tariff which is intermediate to a point from (or to) which class rates are published herein through such unnamed point, apply from (or to) such unnamed point the class rate published herein from (or to) the next more distant point."

(d) *"From" and "to" rules may apply in connection with same rate.* When the rules providing application from and to intermediate points are both shown in connection with any class (or commodity) rate, they establish class (or commodity) rates from intermediate points of origin to intermediate points of destination on such classes (or commodities). Concurrences are not posted at stations and their provisions are not published in tariffs. Unless otherwise provided in the tariff intermediate application rules establish rates from (or to) intermediate points on the lines of carriers parties to the tariff without regard to the concurrence forms and numbers under authority of which carriers are shown as participating carriers.

(e) *Application of rules may be restricted.* Tariffs may by appropriate application published in connection with one or more of such rules, provide that they apply only in connection with the rates or routes making reference thereto, or may provide for the nonapplication of such rule or rules to particular rates or routes.

(f) *Wording of rules not to vary.* The wording of the above rules may not be varied, except that (1) in tariffs containing alternative sections the rules may be modified by substituting the words "in this section" for the words "in this tariff" wherever they appear. If this is done such rules must be published in each section of tariff in which they are to apply and may not be published elsewhere in the tariff; or (2) when it is desired to alternate the rates in any section of a tariff with the rates made only by use of an intermediate point rule applicable in connection with rates in another section, such intermediate rule must be published in a separate section and must be modified by changing the words "this tariff" to read "Section No. ———" (here insert number of the section which contains the points and rates in connection with which the intermediate rule is to be used). The provisions of this paragraph do not waive the requirements of § 1300.7(b).

§ 1300.28 Tariff notations in connection with fourth section orders.

(a) *When relief from long-and-short haul provision is granted.* (1) When the Commission has issued an order granting to a carrier authority to depart from the provisions of the amended fourth section of the act and to charge higher rates for shorter than for longer distances over the same line or route, the title page of each tariff or supplement issued and filed under such authority must bear the following notation:

> This tariff (or supplement) contains rates that are higher for shorter than longer distances over the same route. Such departure from the terms of the amended fourth section of the Interstate Commerce Act is permitted by authority of Interstate Commerce Commission fourth section order (or orders), as indicated in individual items herein.

(2) In connection with the item or items containing the rates as to which such authority has been granted, specific reference to the Commission's fourth section order number and date must be given, except that in instances where all of the rates in the tariff or supplement are covered by one fourth section order reference to the number and date thereof may be shown on the title page. When a general fourth section order is referred to, the particular section thereof granting such authority must be shown in addition to the order number.

(b) *When relief from aggregate of intermediate provision is granted.* (1) When the Commission has issued an order granting to a carrier authority to depart from the provisions of the amended fourth section of the Act and to charge rates higher than the aggregate of the intermediate rates subject to the act, the title page of each tariff or supplement issued and filed under such authority must bear the following notation:

> This tariff (or supplement), contains rates that exceed the aggregates of the intermediate rates subject to the Interstate Commerce Act. Such departure from the terms of the amended fourth section of the Act is permitted by authority of Interstate Commerce Commission fourth section order (or orders), as indicated in individual items herein.

(2) In connection with the item or items containing the rates as to which such authority has been granted, specific reference to the Commission's fourth section order number and date must be given, except that in instances where all of the rates in the tariff or supplement are covered by one fourth

section order, reference to the number and date thereof may be shown on the title page. When a general fourth section order is referred to, the particular section thereof granting such authority must be shown in addition to the order number.

(c) *When relief is denied.* When the Commission has denied authority to carriers to continue existing departures from the provisions of the amended fourth section of the act, but has not prescribed specific rates in lieu of those existing, and it becomes necessary for carriers to publish and file rates in full conformity with the provisions of that section, the rates so filed have not been approved by the Commission. Tariffs or supplements in which they are published should not indicate that they are prescribed by, or are in compliance with an order of the Commission. If desired, however, a clause reading substantially as follows may be shown:

> Issued to bring rates into conformity with the provisions of the fourth section of the Interstate Commerce Act following the issuance by the Interstate Commerce Commission of its fourth section order No. ——— of ——— (date), denying carriers' application.

(d) *Fourth section not waived.* Nothing in this section may be construed as waiving any of the provisions of the amended fourth section of the Interstate Commerce Act.

§ 1300.29 Letter of transmittal.

(a) All tariffs and supplements filed with the Commission shall be accompanied by a letter of transmittal of one sheet 8 by 10½ inches in size, in form substantially as follows:

[Corporate name of carrier in full]

GENERAL FREIGHT DEPARTMENT,
[Post-office address]
————————, 19—.

Transmittal No. ————————

To THE INTERSTATE COMMERCE COMMISSION,
WASHINGTON, D.C., 20423.

Accompanying schedule is sent you for filing in compliance with the requirements of the Interstate Commerce Act, issued by ——— and bearing ICC No. ———; Supp. No. ——— to ICC No. ———; revised page to ICC No. ———; effective ———, 19———; and is concurred in by all carriers named therein as participants under continuing concurrences or authorizations now on file with the Interstate Commerce Commission, except the following-named carriers, whose concurrences are attached hereto:

____

____

____

.... [Sig.]
.... [Title.]

(b) A separate letter may accompany each schedule, or the form may be modified to provide for filing under one letter as many schedules as can be conveniently entered. Separate letters must be used for freight and passenger schedules.

NOTE: If receipt for accompanying schedule is desired the letter of transmittal must be sent in duplicate, and one copy showing the date of receipt by the Commission will be returned to the sender.

§ 1300.30 Transmission of publications to subscribers.

(a) Except as otherwise authorized in paragraphs (b) and (d) of this section, one copy of each new tariff, supplement, and loose-leaf page must be transmitted to each (subscriber) thereto by first-class mail (or other means requested in writing by subscriber) not later than the time the copies for official filing are transmitted to the Commission. The letter of transmittal accompanying the copies to the Commission must contain the following certification:

> I hereby certify that I have on or before this day sent one copy of each publication listed hereon to each subscriber thereto by first-class mail, or by other means of transmission agreed upon in writing by the subscriber.

____
Signature of person
transmitting publication(s)

____
Date

(b) If a new tariff or supplement is filed which in its entirety is published under an authority from this Commission to publish and file without notice or on notice of less than ten days, or if a new loose-leaf page is filed which contains a provision published under an authority from this Commission to publish and file without notice or on notice of less than ten days, paragraph (a) of this section need not be complied with as to such publication if it cannot be or compliance would cause excessive delay, but one copy of such publication must be transmitted to each subscriber thereto by first-class mail (or other means requested in writing by subscriber) within five calendar days, starting with the calendar day following that on which the copies for official filing are transmitted to the Commission, and the letter of transmittal to the Commission must contain the following certification:

> I hereby certify that I will within five calendar days after today send one copy of each publication listed hereon to each subscriber thereto by first-class mail, or by other means of transmission agreed upon in writing by the subscriber.

____

Signature of person
transmitting publication(s)

____

Date

Included in this exception are supplements issued for the purpose of announcing suspensions made by the Commission, publications (published in the name of a carrier only) announcing adoptions, and publications reproducing service orders.

(c) When copies of different publications are transmitted to the Commission at the same time, some copies of which have been transmitted to subscribers in compliance with paragraph (a) of this section and some copies of which will be transmitted to subscribers in compliance with paragraph (b) of this section, two letters of transmittal must accompany the copies to the Commission, one complying with paragraph (a) of this section and the other complying with paragraph (b) of this section.

(d) If there are no subscribers to any publication listed on a letter of transmittal accompanying the copies for official filing to the Commission, the letter of transmittal must contain the following certification:

> I hereby certify that there are no subscribers to the publication(s) listed hereon.

____

Signature of person
transmitting publication(s)

____

Date

If copies of different publications are transmitted to the Commission at the same time, some of which are subscribed to and some of which are not, only the provisions of paragraphs (a) or (b) of this section, or both, as the case may be, need be complied with.

(e) Expedited service (when transmitting one copy of each publication) must be provided to each subscriber requesting it. The cost of this service may be passed on to the subscriber.

(f) Carriers and agents shall furnish without delay one copy of any of their tariff publications, effective or published but not yet effective, to any person upon reasonable request therefor at a reasonable charge not to exceed that assessed a subscriber.

(g) As used herein, the term "subscriber" means a party who voluntarily or upon reasonable request is furnished at least one copy of a particular tariff and amendments thereto (including reissues thereof) by the publishing carrier or agent. The term does not, however, pertain to requests for a copy or copies of a tariff without a request for future amendments thereto.

[40 FR 7654, Feb. 21, 1975, as amended at 40 FR 25678, June 18, 1975]

§ 1300.31 ICC numbering systems.

(a) *Compliance.* Until March 1, 1979, every tariff must bear either an I.C.C. (or ICC) number or a standard ICC designation as set forth in paragraphs (b) and (c), respectively, of this section. Every effective tariff on file with this Commission on that date and every tariff which is indicated to become effective after that date must bear a standard ICC designation as set forth in paragraph (c) of this section. Conversion from the consecutive I.C.C. (or ICC) system to the standard ICC designation system shall be accomplished in the manner set forth in paragraph (d) of this section.

(b) *I.C.C. (or ICC) numbers.* The I.C.C. (or ICC) numbers shall run consecutively beginning with the next consecutive number in the existing series or, if no tariffs have been issued previously, beginning with I.C.C. (or ICC) No. 1.

(c) *Standard ICC designation.* (1) The standard ICC designation shall be constructed by use of the characters "ICC," by use of a unique standard tariff, carrier, or agent code consisting of a minimum of two and a maximum of four alphabetical characters, and by use of a standard tariff number assigned according to the type of tariff, and in that order (when a master tariff of a general increase, the standard number may be the letter X followed by the docket number of the ex parte proceeding). For example, if the carrier or agent or the specific tariff has been assigned the code ABCD and the tariff has been given the number 2000 by the carrier or agent, the ICC designation would be "ICC ABCD 2000."

(2)(i) The codes shall be assigned by the transportation industry. Only one code shall be assigned to each carrier (even if carrier is of more than one mode) or agent (see paragraphs (c)(2)(ii) and (iii) for exceptions). Each code shall be unique for the carrier or agent to which it is assigned and may not be used by any other, regardless of mode. Each carrier or agent must use only the code assigned thereto and may not use any other, except where a separate code has been authorized for a particular tariff series. A carrier or agent may request that it be assigned a specific code (regardless of whether or not one has been previously assigned), which must be appropriate and not duplicate any other. To the greatest extent practicable, the first two letters of the requested code must relate to the carrier's or agent's name. "A," "An," or "The" forming part of the name of the carrier or agent should not be considered when requesting a code. A court-appointed receiver, trustee, et cetera, who assumes possession and operating control of a carrier's lines, whether in whole or in part, shall use the old carrier's code. In all other cases where the name of a carrier is lawfully changed or the operating control of a carrier's properties is lawfully transferred in whole or in part to another party under authority of an order of this Commission, and the regulations in this part require the filing of an adoption notice, the code of the new carrier shall be used on the adoption notice and on all original tariffs filed thereafter in the name of the new carrier. Where there is a change in the name of the carrier or agent without a change in ownership of a carrier or identity of an agent, a new code shall be assigned unless retention of the same code is authorized by the Commission. Exception: A code assigned for use on a specific tariff of an agent must continue to be used on that tariff. (See paragraph (c)(2)(ii) of this section.) A code which has been previously but is no longer assigned may be reassigned after its prior assignment has been canceled for at least 5 years. All requests for codes shall be in writing.

(ii) Consideration shall be given to requests for the assignment of specific codes to classification tariffs and other specific types of governing tariffs which have a substantial nationwide application for a substantial number of participating carriers. The requested code must not duplicate any other. Such a code shall be assigned only to a tariff published and filed in the name of an agent. To the greatest extent possible a requested code must coincide with the first letter of the primary words in the title of the tariff. Only one such code shall be assigned to a tariff. Each code shall be unique for the specific tariff series to which it is assigned and may not be used by the agent on any other tariff or by any carrier or other agent.

(iii) Consideration shall be given to requests for assignment of a separate code to a carrier for use in identifying separately a division or district of the carrier. The requested code must not duplicate any other. This code shall be in addition to the base code assigned the carrier under the provisions of paragraph (c)(2)(i) of this section. The additional code shall be constructed by the use of the base code together with an appropriate letter suffix, designating the particular district or division thereof, which, including the suffix, may not exceed four alphabetical characters. Where the base code consists of four characters, the letter suffix shall be added to the first three characters of the base code.

(iv) The transportation industry shall file with the Commission in tariff form a list of the assigned alphabetical codes and the names of the carriers and agents to which they are assigned. This tariff shall be amended every three months (if the list has changed during that period) to maintain it in an updated condition. The amendments shall amend the list to the extent of showing changes, additions, and cancellations. The tariff, if in bound form, shall comply with the supplemental and volume limitations for tariffs provided in part 1310 of this chapter. Partial amendments to the list may be shown in each supplement, and more than one partial amendment may be in effect at the same time. Only one tariff containing a list of codes may be in effect at one time.

(3) A standard tariff number assigned to a tariff filed in the name of a rail carrier or its agent shall consist of not more than four characters (when a master tariff of a general increase, the standard number may be the letter X followed by the docket number of the ex parte proceeding). The first digit or letter shall conform to the following grouping:

First digit or letter of standard tariff numbers to be assigned to types of tariffs listed opposite thereto	Types of tariffs to which the first digits or letter listed opposite thereto are to be assigned
1	Class rate tariffs.
2	Class exceptions tariffs.
3	General commodity rate tariffs (i.e., numerous unrelated commodities).
4	Specific commodity rate tariffs (e.g., iron or steel articles).
5	Routing guide tariffs.
6	Governing tariffs (all kinds).
7	TOFC and COFC class and/or commodity rate tariffs.
8 or 9	Miscellaneous tariffs (e.g., switching, special service, terminal service, et cetera).
X	May be used for master tariffs of general increases.

When a tariff, because of the provisions it contains, could be construed as being of more than one type, the governing factor in assignment of the digit or letter will be the category that represents the principal portion of the contents or that which signifies its primary purpose.

(4) A standard tariff number assigned to a tariff filed in the name of other than a rail carrier or its agent shall consist of not more than four digits. The grouping of the numbers shall be established by the carrier or agent according to the particular types of tariffs involved, and the number assigned to a tariff must conform to that grouping.

(5) The assigned number will remain the same from reissue to reissue of the tariff. A new tariff, not a reissue, shall not show a letter suffix following the tariff number, and the first reissue of it shall show the letter suffix A, the next reissue B, and so on until Z, following which the letter suffix A will again be used and the process repeated. In the example, in paragraph (c)(1) of this section, the first reissue of tariff ICC ABCD 2000 would be ICC ABCD 2000-A, the next reissue ICC ABCD 2000-B, and so on. Where the ICC number on a tariff is changed to a standard ICC designation, there may be no letter suffix, or as an alternative, any letter suffix may be used, and reissues proceeding from there alphabetically. A carrier or agent may not on any of its tariffs provide a tariff number for its own purpose that is different in any respect from that used in the ICC designation, and whole numbers (not fractional or decimal) must be employed. The purpose is to dispense with and prohibit dual systems of numbering any tariff.

(6) A standard tariff number which has been previously but is no longer assigned and used on an effective tariff may be reassigned after the last tariff to which it was assigned has been canceled for at least 5 years.

(7) When a carrier or agent adopts the standard ICC designation system and obtains a code, it must continue to use such system and file no new tariffs using the ICC consecutive numbering system. The ICC designation of a tariff which employs this system may not be changed.

(8) Tariff indexes containing the old ICC numbers of indexed tariffs shall be corrected to show the new ICC designation not later than 90 days from the effective date of the changeover of

the particular tariff series in each case.

(9) Any tariff which refers to another as a governing publication or otherwise, using the standard ICC designation in such reference must clearly spell out the name of the carrier or agent whose tariff it is, or under the Explanation of Abbreviations or other appropriate place in the tariff explain the code as to the name of the carrier or agent for which it stands. If the code is assigned to the tariff, the explanation must clearly identify the tariff, including the name of the issuing agent.

(10) Tariffs that use numerical or alphabetical codes to identify carriers in connection with routing, participating carrier lists, et cetera, must convert such codes to the standard carrier codes not later than March 1, 1981.

(11) In applying the regulations in this part in connection with tariffs issued in, or converted to, the standard ICC designation system, any reference in such regulations, either expressed or implied, to the ICC consecutive numbering system and to "series" shall be construed to apply as well to the standard ICC designation system.

(d) *Conversion to new system.* (1) Each carrier or agent must obtain its standard code before it adopts the standard ICC designation system. A carrier or agent may elect to convert to the standard system only as each tariff is reissued, or a new one (not a reissue) is published, or in the alternative to convert all its existing tariffs at one time. In any event, all tariffs, except as otherwise provided in § 1300.31(c)(10), must be converted by March 1, 1979. If all existing tariffs are converted at one time, the notice of the conversion in each tariff shall be made by special supplement. Such supplement shall contain no other matter, shall not be canceled, shall be considered exempt from the supplemental limitations in this part for the life of the tariff involved, and shall be shown as a supplement to the old tariff. The supplement may be published on not less than one day's notice, and shall contain a notice reading substantially as follows:

NOTICE OF CHANGE OF ICC NUMBER

Effective (here show date which is next following the general effective date of the supplement) the ICC designation of this tariff, as heretofore amended, is changed to (here show new tariff designation). All amendments to this tariff will hereafter use the new designation.

Any reference in any other tariff to this tariff by the previous ICC designation shall be construed as referring to this tariff by the new designation.

(2) Any reference in one tariff to another tariff by its old ICC number, after such referred-to tariff has been reissued or converted using the standard ICC designation system, must be corrected by publication(s) filed within 60 days of the effective date of the changed designation. Such references may be corrected upon not less than 1 day's notice. A supplement issued to a bound tariff for the purpose of effecting such correction, and containing no other matter, may be issued and maintained without regard to the supplemental matter limitations of this part. If the corrections as to any particular bound tariff would require more than one page of tariff matter, corrections may be made by "Amendment to * * *" an item or other tariff unit provided the supplement contains only such corrective matter and is retained as a separate effective supplement (not reissued) for the life of the tariff or until all affected amended tariff items or units are reissued. Use of blanket form of supplement (a common supplement to two or more tariffs) to bound tariffs is authorized subject to the same conditions set forth in this subparagraph.

(3) A loose-leaf tariff may only be changed to the standard ICC designation system, without complete reissue, by issuance of the supplement authorized in this paragraph plus a revised title page (effective the same date as the supplement and upon the same notice), subject to the further condition that the new title page and each new or revised page issued thereafter shall show in connection with the standard ICC designation the words "Formerly ICC" followed by the old number.

(4) Tariffs (not supplements or loose-leaf page revisions) which are

completely compiled and in the hands of the printer for publication, not filed, at the time of the complete changeover by a carrier or by an agent, which bear the old-type ICC designation, may be filed if accompanied by the supplement authorized in this paragraph and in the case of a loose-leaf tariff by revised title page, and the circumstances explained in the letter of transmittal accompanying the filing.

(5) When a tariff filed in the names of two or more agents is converted, the conversion must become effective on the same date for all the agents involved.

(Sec. 310a, 5 U.S.C. 553, 558; 49 U.S.C. 20, 310a, 318, 319, 904, 906, 1003, 1005, 1013; sec. 20, 24 Stat. 386; 49 Stat. 561, 563; sec. 210a, 52 Stat. 1237, 1238; secs. 304, 306, 54 Stat. 933, 935; secs. 403, 405, 413, 56 Stat. 285, 287, 295; 80 Stat. 378)

[43 FR 8532, Mar. 2, 1978; 43 FR 12327, Mar. 24, 1978]

§ 1300.32 Transfer of Railroad General Increases from Master Tariffs.

(a) *General application.* The regulations in this section govern the transfer of railroad general increases from master tariffs into basic tariffs as required by section 6(6) of the act, as amended February 5, 1976.

(b) *Definitions.* (1) The term "general increase," as used in this section, refers to increases in railroad rates and charges published and filed in accordance with procedures set forth in Part 1102 of this chapter;

(2) The term "master tariff," as used in this section, refers to a separate tariff providing for a general increase in rates and charges which form of publication is authorized by the Commission.

(c) *General increases must be transferred.* A general increase published by means of a master tariff must be transferred into the basic tariffs referring thereto within the time period provided under Paragraph (d) of this section.

(d) *Time period for transfer of general increases.* (1) A general increase shall be transferred from a master tariff to the basic tariffs: (i) Within 2 years from the effective date of the master tariff if the Commission authorizes the general increase to become effective without suspension or investigation; or (ii) if the increase is suspended or an investigation is instituted within 2 years from the date of service of the Commission's final order authorizing the increase in whole or in part;

(2) If a general increase is under investigation by the Commission at the time a later general increase becomes effective, the date for compliance with paragraph (d)(1) of this section shall be determined by reference to the date of service of the Commission's final order relating to the prior increase. Thus, the date determined under Paragraph (d)(1) for transfer of the prior increase shall also govern transfer of the later increase.

(e) *Extension of time period.* Extension of the time period provided under paragraph (d) of this section for transfer of general increases from master tariffs to other tariffs is not contemplated. Should the filing of a petition requesting authority to extend the time period become necessary, such petition must be filed with the Commission at least 90 days before the time period is due to expire. A copy of the petition shall be simultaneously mailed by first-class mail to each party of record in the general rate increase proceeding for which the extension is being requested and that fact shall be evidenced by a certificate of service filed with the petition. A copy of the petition shall be furnished to any interested person upon request. Any reply shall be filed with the Commission promptly after the petition is filed, but in no case more than 20 days after the filing of the petition.

[42 FR 65185, Dec. 30, 1977]

§1300.33 Codes for identification of places.

(a) *Definition.* As used in this part, the term "code for identification of places" means any numeric or alphabetic system used to represent, or identify, places, points, facilities, or locations.

(b) *Use.* Codes for identification of places may be used instead of, or in addition to, the naming of places, points, facilities, or locations; provided that an explanation of the code (showing the code together with the name of the place, point, facility, or location represented by the code) is contained in the same tariff utilizing the code, or in a separate tariff specifically named as a governing publication.

(c) *Listing.* When codes for identification of places are used in lieu of named places, and if the regulations in this part require the place names to be published in alphabetical order, the codes for identification of places shall be published in numerical order (if a numeric code) or in alphabetical order (if an alphabetic code).

[46 FR 34804, July 6, 1981]

§ 1300.34 Standard codes for commodity identification.

(a) *Definition.* As used in this part, the term "standard transportation commodity code" (STCC) means the standard transportation commodity codes assigned by the Association of American Railroads as contained in tariffs filed with the Commission.

(b) *Use.* Standard transportation commodity codes may be used instead of, or in addition to, the naming of commodities in tariffs or schedules. In the event that a tariff code description would be at variance with its accompanying named-commodity description, the presumption is that the named commodity description is accurate, and that the code description is inaccurate. This presumption may be rebutted by a showing of clear evidence of the commodity actually transported. Tariffs or schedules using the codes shall contain, or refer to a tariff publication which contains, the code assignments. Carriers do not need to be shown as participants in the code assignment tariff, and any tariff or schedule may refer to it. The standard transportation commodity codes are the only codes, standing alone, that may be used to identify commodities.

(c) *Listing.* When commodity codes are used in lieu of named commodities, and where the regulations in this part require commodity names to be published in alphabetical order, the standard transportation commodity codes shall be published in numerical order.

(5 U.S.C. 553; 49 U.S.C. 10762)

[45 FR 60441, Sept. 12, 1980]

§ 1300.51 Movement of shipments refused by consignees.

(a) Subject to the limitations in this section, rules (1) providing that shipments which are refused by consignee may be reconsigned and forwarded to a new destination under application of the through rate from point of origin to final destination, either with or without the exaction of a reconsignment charge, or (2) providing for the return of shipments (or portions of shipments) refused by consignee to point of origin at free or reduced rates, are permissible.

(b) For the purposes of this section shipments (or portions of shipments) in closed packages that have been accepted without examination by the consignee may be considered as refused if delivered to the carrier with 10 days for return to point of origin because of damage in transit that could not be determined before acceptance of the shipment.

(c) Such rules must provide that if reconsignment or forwarding to a new destination is permitted, the through rate to be applied shall be that in effect from point of origin to final destination through the point of reconsignment or reforwarding, and if return to point of origin is permitted such return must be made over the route over which the shipment moved to the original destination. Such rules must be published in tariffs and must be so worded and applied as to be free from unjust discrimination and to avoid abuse or improper practices thereunder. The practice of forwarding to a new destination or returning at reduced rates articles that have been delivered into the possession of consignees and have become shopworn or have gotten into a state of disrepair through use is neither proper nor free from unjust discrimination.

(d) Where a shipment is refused and is left on the hands of the carrier, it is believed that the carrier, when it recognizes its responsibility for the value of the shipment and the transportation charges on same, may haul it for itself to such point on its own lines as offers the best opportunities or facilities for disposing of it to advantage, just as it may haul property of its own.

§ 1300.52 Responsibilities of carriers under tariffs.

(a) The Commission's tariff regulations require that the carrier or agent that issues a joint tariff shall, before issuing same, have secured definite and affirmative authority from every carrier shown therein as a participant, and shall show in connection with the name of each participating carrier the form and number of the instrument by authority of which that carrier is made a party to the tariff.

A carrier has no means of preventing another carrier from naming it as a party to a joint tariff without proper authority so to do, or of preventing another carrier from exceeding the authority conferred by a limited concurrence. It can not, however, be bound by such unauthorized act and it is its obvious duty to refuse to recognize or apply any such unlawful issue. It should also at once call the attention of the Commission and of the one that issued the tariff to such erroneous action.

(b) If one or more carriers are, without proper authority, so shown as participating in any tariff and other carriers are lawfully shown as parties thereto, the use of the publication is unlawful as to the carriers that are named as parties thereto without proper authority and lawful as to those that are parties to it under proper authority. The carrier over whose line shipments are sent under a joint tariff is bound by the terms of that tariff if it has lawfully concurred therein, and, if it has not lawfully concurred therein, may not accept earnings in accordance therewith, but must demand for the service performed its lawful earnings according to its lawful tariffs.

(c) Responsibility and liability for the unlawful incorporation of any carrier in a tariff, or for exceeding the authority conferred by a limited concurrence, will rest wholly upon the carrier that issued the tariff.

§ 1300.53 Withdrawal of filed tariffs not permitted.

Not infrequently the Commission is requested to return to carriers tariff publications which have been forwarded to the Commission for filing or which have been received by the Commission in the ordinary course of business. Such requests are usually based on the desire to substitute some corrected or changed publication for the one that has been filed. To surrender publications duly filed and permit the substitution of others would involve falsification of the records, which cannot be permitted. Tariff publications received for filing will not be returned unless rejected because of failure to give lawful notice of changes.

§ 1300.54 Changes in rates.

Section 6(3) of the act, as amended, provides that:

> No change shall be made in the rates fares, and charges or joint rates, fares, and charges which have been filed and published by any common carrier in compliance with the requirements of this section, except after 30 days' notice to the Commission and to the public published as aforesaid, which shall plainly state the changes proposed to be made in the schedule then in force and the time when the changed rates, fares, or charges will go into effect; and the proposed changes shall be shown by printing new schedules, or shall be plainly indicated upon the schedules in force at the time and kept open to public inspection.

(a) *Effectiveness; notice of change.* This provision plainly refers to rates which have already become effective, and also applies the term "proposed changes" to rates which have not become effective. It follows that after notice of a change in rates has been published and filed the new rates must be allowed to go into effect, and cannot be changed, withdrawn, or canceled for at least 30 days after the date when the rates have become effective except as otherwise specifically authorized by rule, decision, or order of the Commission. A tariff may provide that it will expire with a date specified therein and which is at least 30 days subsequent to the date upon which it becomes effective, or a tariff may contain a notation that certain rates therein stated will expire with a date specified which is at least 30 days subsequent to the date upon which such rates become effective, and this will be legal notice of the cancellation or withdrawal of such tariff or of such rates. A provision in a tariff or supplement that the same or any part thereof will expire with a given date is not a guaranty that the tariff, or supplement, or such part thereof, will remain effective until and including that date. Such provision must be understood to mean that the tariff, or supplement, or specified part thereof, will expire with the date named unless sooner canceled, changed, or extended in lawful way. (See § 1300.3(g).)

(b) *Commission may allow exception.* Carriers must comply fully with the requirements of the law respecting the publication, filing, and taking effect of proposed rates, unless upon application and for good cause shown, the Commission, in the exercise of authority conferred upon it, shall allow rates to be changed or withdrawn upon less than 30 days' notice, or by formal order otherwise modify such requirements. No rule decision, or order of the Commission is authority to change rates or issue tariffs on less than statutory notice unless so specifically provided in the rule, decision, or order. (See § 1300.14(f).)

§ 1300.55 Legal rate.

(a) *Rate named from origin to destination only legal rate.* When a rate, whether local or joint, from point of origin to destination, has been established via a route, it becomes the only legal rate for through transportation via that route, whether it is greater or less than the aggregate of intermediate rates.

(b) *Combination rate.* (1) If no rate is named from point of origin to destination of a shipment via the route of movement, the lowest combination of rates applicable via the route of movement is the legal rate.

(2) A combination rate for a through shipment must be treated as a unit from point of origin to final destination, and the rate applied must be the combination of the factors in effect on the date the shipment was accepted for transportation at point of origin. All of the conditions applicable to each factor in such combination rate for through shipment in effect on the date the shipment was accepted for transportation at point of origin must be observed and can not be varied as to that shipment during the period of its transportation to final destination.

(c) *Back-haul unnecessary.* If, in applying combination rates on a through shipment, the shipment moves from a point of origin (or to a point of destination) intermediate to a base point upon which the lowest combination makes, or moves via a junction point which the lowest combination makes, or moves via a junction point with connecting or branch line intermediate to the base point upon which the lowest combination makes, such combination must be applied; and it is not necessary to haul the shipment to such base point and back again through (or to) such intermediate point of origin (or destination), or such intermediate junction point: *Provided,* (1) That the rates used in such combination are applicable over the route the shipment would have moved had it been hauled to the base point and back again over the same route; and (2) That compliance with routing instructions will permit movement to the base point and back again over the same route.

NOTE: This section does not authorize equalizing via one route or gateway the combination of rates applicable over another route or via a different gateway, and does not confer any authority to depart from the provisions of the fourth section of the act, which prohibits higher charges for shorter than for longer distances over the same route and higher charges than the aggregate of the intermediate rates over the same route. It must also be understood that in a case where the lowest combination of rates makes on a base point as to which the point of origin or of destination is directly intermediate, a specific rate to or from such point that is higher than such combination is included in the Commission's ruling that a through rate that is higher than the combination of intermediate rates between the same points is prima facie unreasonable. It must be further understood that in applying the lowest combination authorized in this section the Commission expresses no opinion as to the reasonableness of a rate so constructed.

§ 1300.56 Reduction of rate to equal the aggregate of the intermediate rates.

(a) Section 4 of the act, as amended, prohibits the charging of any greater compensation as a through rate than the aggregate of the intermediate rates that are subject to the act. The Commission has frequently held that through rates which are in excess of the sum of the intermediate rates between the same points via the same route are prima facie unreasonable. Many informal complaints are received in connection with regulary established through rates which are in excess of the sum of the intermediate rates between the same points. The Commission has no authority to change or fix a rate except after full hearing. It is believed to be proper for the Commission to say that if called upon to formally pass upon a case of this nature it would be its policy to consider a rate which is higher than the aggregate of the intermediate rates between the same points via the same route as prima facie unreasonable and that the burden of proof would be upon the carrier to defend such unreasonable rate.

(b) Where a rate is in effect by a given route from point of origin to destination which is higher than the aggregate of intermediate rates from and to the same points, by the same or another route, such higher rate may, on not less than 1 day's notice to the public and the Commission, be reduced to the actual aggregate of such intermediate rates. Such reduced rate must be published in a supplement to or a reissue of the tariff in which the rate so reduced appears; except that if the rate to be reduced is published in a tariff containing class rates only and the reduced rate is to be published as a commodity rate the reduced rate must be published in a commodity tariff or supplement thereto. Any tariff or supplement containing a rate reduced under authority of this section must bear on its title page, or in connection with such item, the notation "Issued on 1 day's notice under authority of rule 56 Interstate Commerce Commission Tariff Circular 20 (§ 1300.56). The rate (or rates) hereby reduced appears in ——— Tariff ICC ———, item (or page) ———, and the factors to and from ——————— (here insert point or points on which combination makes) used in making the new rate (or rates) are found in ———, Tariff ICC No. ———, item (or page) ———, and ——— Tariff ICC No. ———, item (or page) ———."

(c)(1) In order to facilitate the publication of rates which will be in accord with the aggregate of intermediates provision of the fourth section of the act the following rule may be incorporated in tariffs:

> Carriers have endeavored to publish herein rates which do not exceed the aggregate of the intermediate rates between points between which there is an actual movement of traffic, but if there should be in this tariff any rate which is in excess of the aggregate of intermediates, or if through subsequent change in an intermediate factor any rate in this tariff becomes higher than the aggregate of intermediates in violation of the provisions of the fourth section of the Act, carriers will reduce such rates to the aggregate of the intermediate rates on 1 day's notice under authority of rule 56 of Interstate Commerce Commission Tariff Circular 20, on any commodity between points between which there is a movement or a prospective movement of that commodity. The publication of such reduced rate will be made within 30 days after such unlawful rate comes to carriers' notice.
>
> Carriers, parties to this tariff, whose rate over the route of movement is higher than the aggregate of the intermediates over that route, further agree that on any shipment on which the higher rate named in this tariff for that route has been charged, application will be made promptly to the Interstate Commerce Commission for authority to award reparation on the basis of the aggregate of intermediates in effect on date of shipment. (See note.)
>
> NOTE: Carriers or shippers who discover combinations which result in lower charges than the rates named herein, should promptly report such cases to the publishing agent of his tariff, showing the through rate and the item or page where it is found together with the separate factors which make up the combination, giving tariff reference by item or page, where possible, for each.

(2) In placing this rule in tariffs carriers must strictly adhere to the wording of the rule as no modification thereof will be permitted.

(3) The failure to publish and file reduced rates as provided in this part,

within 30 days from the date that said rates are brought to the attention of the carriers parties thereto, or any of them, or their agents, will be considered by the Commission as sufficient ground for the issuance of an order prohibiting its use in connection with such carrier or carriers. A promise to publish certain rates, when published in a tariff, becomes the rule of the carriers parties to the tariff and therefore when a carrier or agent has been called upon to reduce rates under authority of the above rule it will not be necessary for such carrier or agent to secure any additional authority from the carriers parties to the tariff for the publication of the reduced rates and any delay on that account may cause carriers, to incur the penalties provided for violations of the fourth and sixth sections of the act in addition to losing the right to use the rule in tariffs.

§ 1300.57 Newly constructed lines of road and pipe lines and newly established service via water carriers.

(a) *Rates from, to, or via newly constructed lines.* Charges applicable at, and rates, charges, classifications, rules or regulations applicable from, to, or via points on newly constructed lines of road, including spur and industrial tracks and branches and extensions of existing roads, may be established in the first instance on not less than 10 days' notice. Such rates when established may be changed only in accordance with the act, except that where, by reason of the establishment of local rates between points on a newly constructed line as defined in this section, combination through rates have become effective between points on said line and points on other lines of the same or other carriers, such combination through rates may, within 60 days after the effective date of the local rates between points on said newly constructed line, be displaced on not less than 10 days' notice by other rates, through or combination, which produce lower charges than such combination rates.

(b) *Tariff notation when rates established in first instance.* A tariff or supplement establishing rates, charges, classifications, rules, or regulations in the first instance under authority of this section must contain the following notation on its title page, except that if only a portion of the rates, charges, classifications, rules, or regulations in such publications are established under authority of the rule the notation must be shown in connection with such rates, charges classifications, rules, or regulations:

Issued on 10 days' notice, authority rule 57, Tariff Circular 20. Rates established in the first instance (from, to, between, via, or at, as case may be) stations on railroads (or pipe line or reached by water carrier, as case may be).

(c) *Tariff notation for subsequent publications.* A tariff or supplement which changes combination rates from, to, or via points on a newly constructed line as provided in paragraph (a) of this section must contain the following notation on its title page, except that if only a portion of the rates, charges, classifications, rules, or regulations in such publication are established under authority of the rule, the notation must be shown in connection with such rates, charges, classifications, rules, or regulations:

Issued on 10 days' notice, authority rule 57, Tariff Circular 20. Rates established (from, to, between, via, or at, as case may be) stations on railroad (or pipe line or reached by water carrier, as case may be). Local rates first established (from, to, between, via, or at, as the case may be) such stations in ——— ICC No. ——— effective ——— (date).

(d) *Rates established may not be reduced by similar rates.* When class rates have been established from, to, or between points on a newly constructed line, different class rates from, to, via, or between the same points may not be established at a later date under authority of this section; and when a commodity rate has been established from, to, via, or between points on a newly constructed line, a different commodity rate from, to, via, or between the same points may not be established at a later date under authority of this section; but commodity rates may be established under authority of this section within the 60-day period prescribed herein notwithstanding class rates may have been established between the same points. Interested carriers and publishing agents should be notified as much in advance of the opening of a newly constructed line as is possible in order that rates may be established which will give carriers and shippers fullest possible use of such newly constructed lines.

(e) *Rates from, to, or via points reached by pipe line or water carrier.* Rates from, to, via, or at points reached via newly laid pipe lines and from, to, via, or at ports reached by water carriers when new water service has been inaugurated may be established or changed in like manner and upon like notice to that provided for newly constructed lines of railroad in paragraphs (a) to (d) of this section.

§ 1300.58 Applications under section 6 for authority to make changes in tariffs.

(a) *Rates changed on less than statutory notice.* Section 6 of the act authorizes the Commission in its discretion and for good cause shown, to permit changes in rates on less than statutory notice. The Commission will exercise this authority only in cases where actual emergency and real merit are shown. Desire to meet the rates of a competing carrier which has given the full statutory notice of change in rates will not of itself be regarded as good cause for allowing changes in rates on a notice of less than 30 days. Clerical or typographical errors in tariffs constitute good cause for the exercise of this authority, but every application based thereon must plainly specify the omissions or mistakes together with a full statement of the circumstances attending such omission or error and must be presented with reasonable promptness after issuance of the defective tariff.

(b) *Authority necessary to make applications.* Applications for permission to establish rates, rules, or regulations on less than statutory notice, or for waiver of the provisions of Tariff Circular 20 (this part) must be made by the agent or carrier that holds authority to file the proposed changes. If the application requests permission to make changes in joint tariffs it must state that it is filed for and on behalf of all carriers parties to the proposed change.

(c) *Permission will not issue to modify formal orders.* Frequently carriers file sixth section applications requesting authority to make changes on short notice when a formal order of the Commission required publication on 30 days' notice. Such requests in effect are requests for modification of the formal order and should be filed as petitions on the formal docket for modification of the order and not as applications under the sixth section.

(d) *Partial use of permission prohibited.* Instances have occurred where carriers or their agents have not used the full authority extended by special permissions. When passing upon sixth-section applications the Commission gives consideration to all of the facts and circumstances set forth in the application and if approved the special permission is issued with the understanding that all of its terms are to be complied with and that all the authority dealing with the same subject matter will be used. Therefore, if all related matter authorized by special permissions will not be established and more limited authority is desired a new application complying with the provisions of this section in all respects and making reference to the previous authority must be filed.

(e) *Applications in duplicate.* Applications (including amendments thereto and exhibits made a part thereof) for permission to change rates, rules, or regulations, on less than statutory notice or for waiver of the provisions of Tariff Circular 20, (this part) shall be made in duplicate, shall be addressed to the Interstate Commerce Commission, and shall be sent to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423. Such applications shall be made on paper 8 by 10½ inches, shall be in the following form, shall give the information required by that form, shall be numbered consecutively and must bear the signature of the president, vice president, traffic manager, assistant traffic manager, general freight agent, or a duly authorized attorney and agent, specifying title.

FORM OF APPLICATION

(Name of carrier in full)

————————, 19——.

(Place and date)

To THE INTERSTATE COMMERCE COMMISSION, Washington, D.C. 20423:

The ———— (Name of carrier), by ———— (Name of officer) its ———— (Title of officer) does hereby respectfully petition the Interstate Commerce Commission that it be permitted, under section 6 of the Interstate Commerce Act, as amended, to put in force the following rates (or rules or regulations) to become effective ———— days after the filing thereof with the Interstate Commerce Commission

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(State fully, either specifically or by reference to an accompanying exhibit, the rates (or rules or regulations) which it is desired to put into effect, the articles upon which they are to apply and the points of origin and destination. If permission is sought to establish a rule or regulation the exact wording of the proposed rule or regulations must be shown)

Your petitioner further represents that the said rates (or rules or regulations) above mentioned will be published in Tariff ICC No. —— (or in a consecutively numbered supplement to ICC No. ——), and will supersede and take the place of the rates (or rules or regulations) on like traffic from and to the points above named which are set forth in Tariff ICC No. —— (or supplement) on file with the commission.

(Here state, either specifically or by reference to an accompanying exhibit, the present rates (state whether class, commodity or combination), rules, or regulations, together with the ICC numbers in which published and the effect of the proposed change)

(State names of all carriers publishing rates on the commodity or commodities covered by the application between the same or related points and the ICC numbers of tariffs containing such rates)

(State whether or not the proposed rates or rules or regulations, including the request to establish on less than statutory notice have been called to the attention of such carriers and their views thereon)

(State the basis on which the proposed rates are constructed, if the application seeks less than statutory notice)

(State the relationship existing between points of origin and destination covered by the application, and any point or points of origin or destination not covered by said application, if the application seeks less than statutory notice)

(State what relationship, if any, the rates on the commodity or commodities covered by the application bear to rates on other commodities if the application seeks less than statutory notice)

And your petitioner further bases such request upon the following facts, which present certain special circumstances and conditions justifying the request herein made:

(State fully all other circumstances and conditions which are relied upon as justifying the application and which may aid the commission in determining the question presented. If short notice is requested, state why the change was not established upon statutory notice)

(Corporate name of carrier)

By ————————————

(Name and title of officer)

Subscribed and sworn to before me this —— day of ————————, 19—.

(Only the original need be executed)

————————

Notary Public

When an application is made by an agent, appropriate change should be made in the introductory and closing paragraphs of the form.

§ 1300.59 Diversion or reconsignment privileges and rules.

(a)(1) Frequently a shipper desires to forward a shipment to a certain point and have the privilege of changing the destination or consignee while shipment is in transit or after it arrives at destination to which originally consigned, and to forward it under the through rate from point of origin to final destination which generally is lower than the combination of intermediate rates.

(2) Such services are of value to the shipper. If they are granted, carriers' tariffs shall so state in terms that are not open to misconstruction, and shall also state clearly the conditions under which they may be used and the charges that will be made therefor.

(b) Some carriers do not consider a change of consignee which does not involve a change of destination as a reconsignment, while others do consider it a reconsignment and charge for it as such. The Commission holds the view that when not specifically qualified in tariffs, the terms "reconsignment" or "diversion" include changes in destination, routing, consignor or consignee. If carrier wishes to distinguish between such changes in its privileges or charges it must so specify in its tariff rules.

§ 1300.60 Free transportation of caretakers in connection with shipments of property.

(a) Section 1(7) of the Interstate Commerce Act provides that free transportation may be furnished "to necessary caretakers of livestock, poultry, milk, and fruit." This provision in the statute is construed to mean necessary caretakers of livestock, poultry, milk, or fruit that is loaded and ready for movement, or the movement of which is actually contracted for or that is actually in transit, and may include free or reduced-fare transportation for the return of such necessary caretakers. This transportation may be in the form of free pass or reduced-fare transportation, but in any event it must be the same for all under like circumstances. Authority for such free or reduced transportation must be published in the tariff governing the transportation of the commodity, which must also contain such policing regulations as will prevent the misuse of this provision. Tariffs may provide that caretaker sent out to return with shipment that is arranged for or that is in transit will be required to pay fare going and that such fare will be refunded if person so sent does return as actual caretaker of shipment for which he is sent. But a tariff rule which provides that if a person goes out over the line with the intention of purchasing livestock and returns within a certain time with a certain number of cars of livestock, the carrier will refund to him the fare paid on outgoing trip is improper and unlawful.

(b) The Commission is of the opinion that the term "fruit" as used in this section includes perishable vegetables, and that bees in hives and live fish may be included in the term "livestock" when shipped under conditions that make caretakers "necessary."

(c) When an express company provides in its tariff for free transportation for caretakers in charge of livestock, poultry, milk, or fruit, and the railroad company over whose lines such express company operates provides in its tariff that such caretakers may be permitted to ride in passenger car, the tariff of the express company and that of the railroad company must give reference to each other.

§ 1300.61 Demurrage on interstate shipments.

(a) The act requires that carriers shall publish, post and file tariffs containing terminal or other charges and all rules or regulations which in any wise change, affect, or determine the value of the service rendered to the shipper or consignee. Such terminal charges include demurrage charges.

(b) Demurrage rules and charges applicable to interstate shipments are governed by the act and therefore are within the jurisdiction of the Interstate Commerce Commission and not within the jurisdiction of State authorities.

(c) Demurrage rules and charges published and filed must be observed as strictly as transportation rules and charges. Such charges are controlled by the tariffs in effect contemporaneously with the accrual of the service, and therefore are subject to such changes as may be made in the applicable tariffs during the period of accrual.

Cross Reference: For regulations concerning posting tariffs at stations, see Part 1305 of this chapter.

§ 1300.62 [Reserved]

§ 1300.63 Transportation of circus outfits.

Rates for specified movements of circuses and other show outfits may be established on not less than 1 day's notice to the Commission. Such tariffs must bear reference to this rule and must publish the charges specifically, showing the number and kind of cars moved, or may consist of a proper title page reading "as per copy of contract attached," and to it may be attached a copy of the contract under which the circus is moved. Tariffs containing such rates need not be posted at stations. As far as practicable, general rules or regulations governing the fixing of such rates should be regularly published, posted, and filed upon statutory notice.

§ 1300.64 In absence of routes, rates apply via lines parties to tariffs.

If a tariff contains no routing direction the joint rates shown therein are applicable between the points specified via the lines of any and all carriers that are parties to the tariff; and shipper must not be required to pay higher charges than those stated in the tariff because the carriers have not agreed divisions of the rates via the junction through which the shipment moves. If agent of carrier bills or sends shipment via a route or junction point that is covered by the tariff but via which no division of the rate applies, it is for the carriers to agree between themselves upon the division of the rate.

§ 1300.65 Fourth-section departures resulting from changes in official, southern, western, and Illinois classifications.

(a) The attention of the Commission was called to the fourth-section difficulties that confronted carriers in making classification changes. The Commission is impressed with the desirability of having proper classification changes promptly made. In order to facilitate the publication of such changes, carriers will be permitted to publish the rule set forth next below in the official, southern, western, and Illinois classifications, respectively, subject to the conditions hereinafter stated:

> The classification changes made herein may create fourth-section departures not authorized by amended fourth-section Order No. 144. (See note.) If any such departures are brought to the attention of carriers parties to this publication in connection with rates applicable on traffic of which there is a present or prospective movement, such departures, under the authority of rule 65, Tariff Circular No. 20 or reissues thereof, will be corrected on 1 day's notice to the Commission and the public by reducing any higher rate or charge on like property that may be applicable for a shorter than for a longer haul as a result of such change to the amount of the rate or charge applicable on like traffic for the longer haul, or by reducing any through rate or charge which is higher than the aggregate of the intermediate rates or charges subject to the Interstate Commerce Act to the amount of such aggregate of intermediate rates or charges.
>
> Publication of such reduced rate or charge will be made within 60 days after such rate or charge comes to the carrier's attention. Carriers parties hereto further agree that on all shipments on which rates or charges are collected which are higher for shorter hauls than those applicable on like traffic for longer hauls over the same line or route in the same direction, the shorter being included within the longer, or which are higher than the aggregate-of-intermediate rates or charges, in situations not authorized by amended fourth-section Order No. 144, application will be made promptly to the Interstate Commerce Commission for authority to make reparation to the basis of the rate or charge applicable for the longer haul or to the basis of the aggregate of intermediate rates or charges, as the case may be, in effect on the date of shipment.
>
> Note: Fourth-section Order No. 144 authorizes carriers to make changes in official, southern, western, and Illinois classification ratings, rules, or regulations without observing the long-and-short-haul clause of the Interstate Commerce Act in instances where class rates are protected by applications filed on or before February 17, 1911, or by outstanding fourth-section orders.

(1) The foregoing notice may be incorporated in the official, southern, western, and Illinois classifications only, as a separately numbered rule, and reference to such rule must be made on the title page of each supplement to the current issues of those classifications which contain changes and on the title page of succeeding issues of those classifications, by the following notation in bold-face type:

Concerning the correction of fourth-section departures resulting from changes in this classification (or "these classifications") see rule ——.

(2) The wording specified above, both for the notice to be incorporated as a classification rule and the supplementary notation to be shown on the title page, must be strictly adhered to, and no modifications thereof will be permitted.

(b) The failure of any carrier availing itself of the use of this rule to publish and file reduced rates and thereafter to apply for authority to make reparation as herein provided will be considered as sufficient ground for the issuance of an amendment to the rule prohibiting its use by or on behalf of such carrier.

§ 1300.66 Minimum carloads.

(a) *Weights for cars of varying dimensions.* (1) Carriers provide cars of varying dimensions and capacities, and they provide minimum weights for the several kinds of cars based upon those dimensions and capacities. At times when transportation facilities are inadequate to supply the demand upon them it frequently is difficult or impossible for the carrier to furnish a shipper with a car of the dimensions or capacity desired by him, although the carrier has in its tariffs provisions for the use of such car. Manifestly it is not equitable or proper to require the would-be shipper to pay additional transportation charges for the privilege of using a car of different dimensions or capacity from that which would suit his shipment or forego entirely his desire to ship.

(2) Some carriers provide elastic rules which properly permit the use of cars of different dimensions or capacities when they are furnished by the carrier in lieu of those ordered by the shipper, while other carriers do not so provide, and as a result instances arise in which the initial carrier under such provision furnishes the shipper with car at its convenience, and connecting carriers that have not adopted similar provisions assess higher charges in accordance with their tariffs, thus imposing upon the shipper a wholly unexpected and, in the view of the Commission, unreasonable charge.

(3) The Commission believes that when tariffs provide minimum weights which vary with the size of capacity of the car, it is the duty of the carrier to incorporate in such tariffs a rule to the effect that when a car of the dimensions or capacity ordered by the shipper cannot be promptly furnished, and when the carrier for its own convenience does provide a car of greater dimensions or capacity than that ordered, such car may be used on the basis of the minimum carload fixed in the tariffs for cars of the dimensions or capacity ordered by the shipper, provided the shipment could have been loaded into or upon car of the capacity or size ordered; and that if a car of smaller capacity than that ordered by the shipper is furnished, it may be used on the basis of actual weight when loaded to its capacity, or that that portion of the shipment which cannot be loaded into the smaller car will be taken in another car and the shipment treated as a whole on the basis of the minimum fixed for the car ordered by the shipper; and that if the carrier is unable to furnish a car of large dimensions, ordered by shipper, it may furnish two smaller cars which may be used on the basis of the minimum fixed for the car ordered; it being understood that shipper may not order a car of dimensions or capacity for which a minimum is not provided in the carrier's tariffs.

(4) In all such cases the capacity of the car ordered, the date of such order, the number, initials, and capacity of the car furnished should be stated on the bill of lading and the carrier's waybill.

(5) In case of controversy between shippers and carriers caused by the absence of such rule from tariffs which provide graduated minima for cars of different sizes the Commission will

regard such tariffs as prima facie unreasonable.

(6) It is the duty of carriers to provide reasonable facilities for transportation, and if they cannot furnish equipment to move the carloads provided for in their regulations it is clearly their duty to provide some other method of transporting as one shipment, and at the rate named therefor, such carload weight when tendered by shipper.

(b) *Minimum carload weight is part of rate; through carload minimum; new cars.* (1) The minimum weight upon which carload rate is based is a part of the rate, because the charges on a shipment of a weight less than the minimum, are determined by such minimum weight. The publication, posting, and filing of the rate and of the minimum weight are therefore equally necessary.

(2) Where two or more carriers publish a joint through rate they must publish in connection therewith one carload minimum weight for the through movement under that rate, except that joint through rates made up in combination on a specific base point may be published, subject to one minimum weight in connection with the specified portion of the rate up to the base point and to a different minimum weight in connection with the specified portion of the rate beyond the base point. (See § 1300.4(i).)

(3) Carriers' mechanical departments have rules providing that a new car shall not be loaded to its full capacity on its first trip. Such rules generally provide that a car on its first trip shall not be loaded to more than 75 percent of its capacity, or of the minimum weight fixed in the tariff and that charges shall be based on such lower minimum. The lawful charges are those published in tariffs filed with the Commission. Therefore if such a rule is used it must be published in carriers' tariffs.

§ 1300.67 Export and import traffic—ocean carriers.

(a) *Ocean carriers not subject to Act.* Common carriers by water, or conferences of such carriers, engaged in the foreign commerce of the United States, as defined in the Shipping Act, 1916, that operate between ports of the United States and foreign countries are not subject to the terms of the Interstate Commerce Act or to the jurisdiction of the Interstate Commerce Commission.

(b) *Through routes and joint rates.* (1) A railroad, pipeline, freight forwarder, or water common carrier subject to the Interstate Commerce Act (hereinafter referred to in this section as the domestic carrier), may establish a through route and joint rate with either a nonvessel or a vessel-operating common carrier by water engaged in the foreign commerce of the United States (hereinafter referred to in this section as the ocean carrier), as defined in the Shipping Act, 1916, for the transportation of property between any place in the United States and any place in a foreign country. Every tariff naming such a through route and joint rate shall be filed with this Commission. The tariff may be filed in the name of the ocean carrier, a conference of ocean carriers, the domestic carrier or the duly appointed tariff publishing agent of such carriers.

(2) The tariff shall be constructed, filed, and posted in conformity with the Interstate Commerce Act, and, except as otherwise specifically authorized, with the regulations in Parts 1300 and 1305 (regulations in both parts included in Tariff Circular No. 20) of this chapter. The tariff shall be printed in the English language, include the names of all participating carriers, a description of the services to be performed by each participating carrier, a statement of the joint rate, and a clear and definite statement of the division, rate, or charge to be received by the domestic carrier for its share of the revenue covering a through shipment or aggregate of shipments under the tariff. The division, rate, or charge accruing to the domestic carrier must be shown in terms of lawful money of the United States. If shipments and/or loaded containers are to be permitted to be aggregated which are rated under more than one tariff published by the carrier or for its account, each tariff so affected must contain a specific rule, providing for the aggregation in

connection with the statement of the domestic carrier's divisions and identifying by ICC designation each of the other tariffs. A tariff filed in the name of a conference need not show "Agent" after the name of the conference unless the conference publishes as an agent. If the tariff provides containerload rates, such rates must be made subject to a specified minimum weight or minimum measure per container, or a specified minimum charge per shipment per container, and a maximum weight per container. Where the freight is to be packed (loaded) or unpacked (unloaded) into or from the containers by the domestic carrier, the tariff must clearly state that the joint rate includes this service or must provide a separate charge to apply when said service is provided.

(3) Rates or charges may be stated to apply in a unit other than a United States unit provided the unit is defined in the tariff where used. The International System of Units (SI) (the metric system) may be used and need not be defined. A rate or charge applying on a unit of measurement other than weight may be published, but if the tariff also includes a rate or charge applying on a unit of weight on the same traffic, the charges on the weight basis must alternate with the charges on the measurement basis other than weight. In every case the tariff shall provide a definite method for determining the measurement of the shipment and the applicable charges. "Cargo, N.O.S." may be provided as a commodity description provided the term is clearly defined in the tariff where used. Tariffs governing the application of the rate tariff need not show a carrier as a participant when none of the provisions therein apply for such carrier's account.

(4) Allowances, cargo administrative charges, or reductions shall not be provided for payment to shippers or other parties for services performed by or facilities furnished by other than the carriers parties to the through transportation unless (i) such carriers by tariff publication hold themselves out to perform such services and furnish such facilities, (ii) such carriers are able to perform such services and furnish such facilities upon reasonable demand, and (iii) the performance of such services and furnishing of such facilities are included in the through joint rate or charge. This subparagraph does not apply where such provisions do not affect the division, rate, or charge accruing to the domestic carrier or the services performed by such carrier.

(5) A domestic carrier desiring to become a participant in a tariff filed in the name of a conference of ocean carriers, which conference does not publish as an agent, must give to its connecting ocean carrier participating in such conference tariffs a concurrence in tariffs issued and filed by the ocean carrier or the conference, or both. A limited concurrence may provide for only those limitations authorized in § 1300.19 of this chapter. The concurrence forms prescribed by § 1300.19 shall be modified to show that the authority extends to amendments to the tariff(s) and extends to tariffs filed in the name of the conference, and to show the types of tariffs in which the domestic carrier desires to participate. Powers of attorney must not be executed unless the conference publishes as an agent.

(6) The following changes may be published to become effective upon a specified date not prior to the date filed with the Commission in Washington, D.C., provided the division, rate, or charge accruing to the domestic carrier or a provision governing or affecting such division, rate, or charge does not change.

(i) A change in a published rate, charge, rule, regulation, or other provision which results in a reduction or in no change in charges. This includes a change in a rate or charge which results in lessening or canceling a proposed (published but not yet effective) increase.

(ii) The establishment of a rate on a specific commodity not previously named in a tariff which results in a reduction or in no change in charges. The tariff must contain a cargo, N.O.S. rate or similar general cargo rate, which rate would otherwise be applicable to the specific commodity. The specific commodity rate must be equal to or lower than the cargo, N.O.S. or general cargo rate.

(iii) Except as otherwise provided in this paragraph, no new or initial rate, charge, rule, regulation, or other provision and no new point of origin or destination may be published upon less than 30 days' notice. In no case may the establishment of or a change in a division, rate, or charge accruing to the domestic carrier or a provision governing or affecting such division, rate, or charge become effective upon less than 30 days' notice.

(7) If a tariff includes charges for terminal services, canal tolls, or additional charges not under the control of the carrier or conference, which carrier merely acts as a collection agent for the charges, and the agency making such charges to the carrier increases the charges without notice or without adequate notice to the carrier or conference, such charges may be increased in the tariff by specific publication effective upon a specified date not prior to the date filed with the Commission, in Washington, D.C., whether included in the joint rate or separately stated. If the change occurs in the division, rate, or charge accruing to the domestic carrier, the amendment must contain a statement explaining the change.

(8) Every change made under authority of § 1300.67(b) (6) or (7) must be shown in an amendment (a supplement if the tariff is in bound form or a loose-leaf page if the tariff is in loose-leaf form) to the tariff. The rates, charges, rules, regulations, or other provisions authorized to be changed thereunder may be changed without their having been effective for 30 days prior to the effective date of the change.

(9) The regulations in § 1300.9(k)—Suspension of Tariff Schedules—shall govern only when the operation of the division, rate, or charge accruing to the domestic carrier or any provision governing the division, rate, or charge or the service performed by such carrier is suspended by an order of this Commission.

(10) The following reference marks may be used in the exact form shown for the purposes indicated and may not be used for any other purpose:

(R) to denote reductions.
(A) to denote increases.
(C) to denote changes in wording which result in neither increases nor reductions in charges.

An explanation of these reference marks must be provided in the tariff in which used.

(c) *Port combination basis.* Domestic and ocean carriers may enter into joint rate arrangements, as authorized by paragraph (b) of this section, and domestic carriers may at the same time maintain in effect rates applicable only from and to the ports, usable in combination with ocean carriers' independently established rates. Publication of such rates by the domestic carrier shall be subject to the following:

(1) The domestic carriers shall file their rates to the ports and from the ports, and such rates must be the same for all, regardless of which ocean carrier may be designated by the shipper, except as otherwise provided by section 28 of the Merchant Marine Act (41 Stat. 988, 46 U.S.C. 884).

(2) When the domestic carriers publish rates which are indicated to apply only on export or import traffic, the tariffs containing such rates shall specify by inclusion or exclusion the countries to or from which traffic subject to such rates shall move, regardless of whether such countries are, or are not, adjacent to the United States. Tariffs shall also specify whether or not properly destined to or from which traffic subject to such the Commonwealth of Puerto Rico, Guam, Hawaii, or the Canal Zone is subject to such rates. In the absence of a statement in tariffs limiting the application of export or import rates, such rates will apply on traffic destined to or coming from them.

(3) As a matter of convenience to the public, the domestic carriers may also publish as information in their tariffs the ocean carriers' rates or charges that will apply to or from a foreign country in connection with the domestic carriers' rates. When this is done, the ocean carriers' rates or charges are in no manner subject to the jurisdiction of this Commission, but the rates of the domestic carriers applying to or from the ports are subject to all provi-

sions of the Interstate Commerce Act and to this Commission's regulations.

(d) *Through export and import billing.* Export and import shipments may be forwarded under through billing. Through bills of lading must clearly separate the liability of the carriers included therein, where different, and must show (1) the tariff rates or charges of the domestic carriers to or from the port or (2) the joint rates or charges when such rates or charges are established and are named in tariffs on file with this Commission as provided in paragraph (b) of this section. The name of the domestic carrier shall appear in a prominent place on the face of the bill of lading when that carrier originates the shipment. Tariffs which provide for the use of a specified kind of bill of lading shall reproduce all of the terms and conditions thereof.

Cross Reference: For regulations governing the posting of freight tariffs of common carriers by rail, water, and pipeline, including tariffs containing joint motor-rail or motor-rail-water rates, see Subpart A of Part 1305 of this chapter.

(49 U.S.C. 10762)

[41 FR 9352, Mar. 4, 1976, as amended at 46 FR 14352, Feb. 27, 1981; 46 FR 35517, July 9, 1981]

§ 1300.200 Alternation of through rates with aggregate of intermediate rates.

(a) In order to facilitate the application of rates which will be in accord with the aggregate-of-intermediates provision of the fourth section of the act, common carriers by railroad and their duly appointed tariff publishing agents may depart from the terms of §§ 1300.4(h) and (i) and 1300.7(b) (Rules 4(h), 4(i), and 7(b) of Tariff Circular No. 20) for the purpose of incorporating in tariffs naming rates and charges for the transportation of property the following rule in lieu of the rule authorized in § 1300.56 (Rule 56 of Tariff Circular No. 20):

> If on any shipment an aggregate-of-intermediate local, joint and/or proportional interstate rates constructed via a route over which the through rate published in this tariff is applicable produces a lower charge than the through rate, such aggregate of rates will apply via all routes authorized in this tariff and the through rate has no application to any such shipment via any of those routes.

Common carriers by railroad and their duly appointed tariff publishing agents when publishing the foregoing rule may provide for its nonapplication to rates on particular descriptions of traffic, in which event, as to such rates, the rule authorized in § 1300.56 may be used.

(b) Publications issued hereunder shall make specific reference hereto as authority for tariff circular departure by using the following notation:

> Rules 4(h), 4(i), and 7(b) of Tariff Circular No. 20 waived; ICC Permission No. 16500.

(c) This permission does not modify any outstanding formal orders of the Commission nor waive, except as herein authorized, any of the requirements of its rules relative to the construction and filing of tariff publications. This permission shall continue in force and effect until otherwise ordered by the Commission.

PART 1301—LONG-AND-SHORT-HAUL AND AGGREGATE-OF-INTERMEDIATE RATES—RAILROADS

Sec.

1301.11 Continuation or establishment of rules for absorption of switching charges is authorized by publication, filing and posting of schedules.
1301.21 Disposition of fractions.
1301.31 Authorization for changes in classification ratings, rules and regulations.
1301.61 Relief for departures in rates on transit shipments.
1301.65 Filing schedules simultaneously with applications.
1301.75 Applications, preparation and filing, conformity with rules.
1301.76 Freight and passenger applications, separate.
1301.77 Long-and-short-haul and aggregate of intermediate applications separate.
1301.78 Number of copies, form, general specifications and requirements, signatures, and verification.
1301.79 Matters to be shown in the application.
1301.80 Additional information required.
1301.81 Additional matters to be shown.
1301.82 Miscellaneous provisions.
1301.83 Acceptance of applications.
1301.84 Applications for relief previously denied.
1301.85 Changes and additions.

Authority: Secs. 3, 4, 12, 24 Stat. 380; 49 U.S.C. 3, 4, 12.

Source: 32 FR 20537, Dec. 20, 1967, unless otherwise noted.

§ 1301.11 Continuation or establishment of rules for absorption of switching charges is authorized by publication, filing and posting of schedules.

(a) All carriers that may desire to continue or to establish rules for the absorption of switching charges are hereby authorized to continue the practice of absorbing switching charges from competitive and not from noncompetitive stations for the present by the publication, filing, and posting of schedules in the manner and form as prescribed by law and by the Commission's regulations.

(b) Tariffs containing the rules in this part need contain no reference to this order. The Commission does not hereby approve any rules that may be filed under this permission, all such rules being subject to complaint, investigation, and correction if they conflict with any other provision of the act.

§ 1301.21 Disposition of fractions.

(a) Applying the rule de minimis, all carriers are hereby authorized, in the making up of through fares or rates on the aggregate of the intermediate fares or rates, to disregard fractions of a cent less than .5, retaining the half cent in the rate when it is even .5, and making the rate in even cents when the fraction is more than .5.

(b) Tariffs need contain no reference to this order. The Commission does not hereby approve any fares or rates that may be filed under this authority, all such fares and rates being subject to complaint, investigation, and correction if in conflict with any other provision of the act.

§ 1301.31 Authorization for changes in classification ratings, rules and regulations.

(a) As to, and confined to, class rates authorized by fourth-section order or orders of this Commission or covered by applications filed on or before February 17, 1911, that have not been passed on, carriers are hereby authorized to make changes in classification ratings, rules, and regulations affecting traffic covered by the said class rates without observing the long-and-short-haul clause of the Interstate Commerce Act but subject to the succeeding paragraphs of this section.

(b) The relief granted in this section shall apply only to changes in classification ratings, rules, and regulations made by amendment to the official, southern, western, or Illinois classifications.

(c) Classification changes made by authority of Fourth-Section Order No. 144 and supplements thereto or amendments thereof prior to the date of this order shall not be required to be changed by reason of the provisions hereof until further order of the Commission.

(d) Until the effective date of the rates prescribed in Southern Class Rate Investigation, Docket No. 13494, carries parties to Southern Classification No. 47, E.H. Dulaney's ICC No. 19, are hereby authorized to make changes in ratings, rules, and regulations in the said classification occurring in the ordinary course of business without observing the long-and-short-haul provision of the fourth section of the Interstate Commerce Act. The Commission does not hereby approve any changes in classification filed under this authority, all such changes being subject to complaint, investigation, and correction if in conflict with any provision of the act.

§ 1301.61 Relief for departures in rates on transit shipments.

In those instances in which fourth-section orders have been or may be entered granting carriers relief from the provisions of section 4 of the act to maintain lower rates for the transportation of like kind of property for longer than for shorter distances the same relief shall also apply when the said rates, with or without the addition of lawfully established charges to cover the cost of transit, are applied on transit shipments. This section shall not be construed as authorizing fourth-section departures which might result from the establishment of transit privileges at some points and not at other points on the route of movement, nor as approving any transit arrangements that may be established under this permission, all such arrangements being subject to complaint, investigation, and correction if in conflict with any other provision of the act.

§ 1301.65 Filing schedules simultaneously with applications.

(a) Section 4 (1) of the Interstate Commerce Act (49 U.S.C. 4 (1)) has been amended by the Transportation Act of 1940, now effective, so as to eliminate the so-called equidistant clause and to provide:

> That tariffs proposing rates subject to the provisions of this paragraph may be filed when application is made to the Commission under the provisions hereof, and in the event such application is approved, the Commission shall permit such tariffs to become effective upon one day's notice.

(b) Heretofore, the practice of carriers has been to file applications for, and to obtain, fourth-section relief of either a temporary or continuing character before publishing and filing rates which would without relief contravene the fourth section. The new proviso is construed as intended to shorten the period intervening between carriers' determination to publish rates and their effective date so that if relief is granted, the time now intervening between the filing of the application and its granting will be eliminated, but is not intended to set aside the 30 days' notice requirement of section 6 or to abridge the rights of interested persons to seek suspension under section 15 (7). To facilitate administration of the new proviso and at the same time to avoid interference with other sections of the act, the following procedure has been adopted:

(1) Insofar as possible, fourth section applications filed under the proviso will be acted upon before the effective date of the tariffs.

(2) In cases where it is found possible to pass upon applications before the effective date of the tariffs, if relief is granted, such relief will be made effective not with issuance of the order but on the same date as the effective date of the tariffs.

(3) In cases where action upon the application has not been taken prior to the effective date of the schedules, or where the relief sought has been denied in whole or in part, the present intention is to suspend the tariffs in order to avoid the unauthorized fourth-section departures which otherwise would result.

(4) Where rates were suspended solely because of failure to act upon the fourth-section application and where the necessary relief is subsequently granted, the present intention is promptly to vacate the order of suspension, the vacating order to be effective with issuance.

(c) Pending modification of the Commission's Rules of Practice and applicable tariff circulars, carriers that file applications for relief from the provisions of section 4 with respect to rates, fares or charges included in schedules filed concurrently with such applications, should include in the applications a complete statement of the tariffs and supplements containing such rates, fares or charges in substantially the following form:

> The rates (fares) (charges) as to which relief is prayed herein have been published and filed to become effective ——— (date) in ——————— (name of agent or carriers). Tariff, ICC —— (No.) (supplement number to tariff should be shown if published therein).

(d) Tariffs and supplements filed under the above provision should show on the title page thereof a statement that they contain rates, fares, or charges, as the case may be, that contravene the long-and-short-haul (or aggregate-of-intermediates) provision of section 4, and should give specific reference to an item or page of the tariff or supplement on which shall be prominently displayed a complete and specific list of items and pages on which such rates are found, with specific number and date reference to the application for relief with respect to such rates, fares or charges.

(e) When appropriate fourth section relief has been granted before the effective date of tariffs or supplements, and such tariffs or supplements become effective, number reference to the order granting such relief need be given only when the next supplement or reissue is filed.

(f) Many outstanding orders granting relief from the long-and-short-haul provision of section 4 contain conditions designed to give effect to the equidistant clause. The present intention is not to eliminate such conditions in the absence of petitions for reopening of proceedings in which such orders were entered as it is believed that in some cases retention of such conditions may be warranted notwithstanding the repeal of the equidistant clause and in others some substitute limitation may be necessary.

Note: See previous notice in this matter, 5 FR 3758, Sept. 25, 1940.

§ 1301.75 Applications, preparation and filing, conformity with rules.

Any common carrier subject to the act may apply to this Commission, under section 4(1) of the act, for such authorization as it is empowered to grant thereunder. Such application must conform to the requirements hereinafter provided.

§ 1301.76 Freight and passenger applications, separate.

Separate applications shall be filed for relief with respect to freight rates and passenger fares.

§ 1301.77 Long-and-short-haul and aggregate of intermediate applications separate.

Separate applications shall be filed for relief from the long-and-short-haul provision, and for relief from the aggregate-of-intermediates provision of section 4 of the act.

§ 1301.78 Number of copies, form, general specifications and requirements, signatures, and verification.

(a) Applications shall be substantially in the form shown below, and five copies of each, including all exhibits and maps must be furnished.

FORM OF APPLICATION FOR RELIEF UNDER SECTION 4(1) OF THE ACT

FOURTH SECTION APPLICATION

Commission's No. ——
Carrier's No. ——

The ——— Company, by ———, its ——— (Official title), hereby petitions the Interstate Commerce Commission for authority to establish rates (or fares or charges or classifications) hereinafter set forth without observing the long-and-short-haul (or aggregate-of-intermediates) provision of section 4(1) of the Interstate Commerce Act. (If rates, etc., are to apply over the lines of more than one carrier, the application should show that it is made for and on behalf of all such carriers, naming them, or if made for or on behalf of all carriers parties to a particular tariff, reference may be made by ICC No. to such tariff for the names of such carriers.)

I. (State fully the rates, fares, charges, etc., which it is desired to establish, with complete reference to the tariffs in which published and the effective date thereof, the routes over and the articles or classes upon which they are to apply, and name, or descriptions of the points of origin and destination. See Note A following.)

II. (State fully names or description of intermediate points at which it is desired to maintain higher rates etc., and rates etc., at such points or a sufficient number of such points to illustrate the situation, including the first and last higher-rated and the highest-rated intermediate points. Distances between all points shown should be included in this statement. In applications for relief from the aggregate-of-intermediates provision, set forth typical examples of the higher through rates, fares, or charges, and the intermediate rates, fares, or charges that in the aggregate are less than the through rates, etc. See Note A, following. Also show ICC Nos. of tariffs, and supplements thereto, containing the rates and distances stated.)

III. This application is based upon the following facts which present all of the circumstances and conditions relied upon by your applicant in justification of the relief herein prayed: (Make a complete and accurate statement as to the necessity for the proposed changes, and all of the circumstances and conditions relied upon as justifying the relief prayed. See Note A, following.)

IV. (Give specific reference to any proceeding pending before or determined by the Commission, by docket number, and report citation, if any, which may have any bearing upon, or be in any way related to the rates, etc., sought to be established or maintained. If none, state that fact.)

————————Company
(Corporate title of applicant)
By ————————————————
(Personal signature of officer)

————————————————
(Title of officer)

Note A. When more convenient this information may be given in an exhibit or exhibits, and here referred to: "As stated in exhibit —— attached to and made a part hereof." Information required under each numbered section, as above, should be shown in a separate exhibit.

Exhibits should conform to the following requirements:

Generally. Exhibits of a documentary character may have a maximum width of 22 inches by 12½ inches in height. Whenever practicable the sheets of each exhibit and the lines of each sheet should be numbered. If the exhibit consists of five or more sheets the first sheet or title-page should be confined to a brief statement of what the exhibit purports to show, with reference by sheet and line to illustrative or typical examples contained therein. The exhibit should bear an identifying number, letter, or short title which will readily distinguish it from other exhibits offered. It is desirable that, whenever practicable, rate comparisons and other evidence should be condensed into tables. Exhibits should not be argumentative, should be limited to statements of fact, and be relevant and material to the issue.

Reference to tariff authority, routes, and distances. All exhibits showing rates, fares, charges, or other tariff or schedule provision must, be appropriate Interstate Commerce Commission number reference, indicate the tariff or schedule authority therefor, and if distances are shown must also show the authority therefor and, by lines, highways, or waterways, and junction points, the routes over which the distances are computed; except that the routes over which the distances are computed need not be shown when such distances are specifically published in a tariff or schedule lawfully on file with the Commission, or definitely ascertainable from a tariff or schedule on file with the Commission showing rates prescribed by the Commission and based on short-line distances, or short-highway distances, provided the exhibit makes specific reference to such tariff or schedule as provided by this rule.

(b) Applications shall be on opaque, unglazed, durable paper not exceeding 8½ by 11 inches. To permit of binding in covers of uniform size, margins of at least 1½ and 1 inch, respectively, shall be allowed on the left and right margins. Binding shall be on the left margin. Reproduction may be by printing, multilithing, mimeographing, or any other process, provided the copies are clear and permanently legible. Whiteline blue prints which cannot be reproduced by photography are not desirable. If directly typewritten, or if in facsimile reproduction of typewriting, the impression must be on one side of the paper and must be double spaced, except that long quotations shall be single spaced and indented. If printed, nothing less than 10-point type shall be used, except that 8-point type may be used in footnotes.

(c) The original copy of the application must be over the personal signature of an executive officer, a responsible traffic officer, or a duly authorized attorney or agent, specifying his title, and sworn to before a notary public or other officer authorized by law to administer oaths. Verification shall be in the manner shown below:

VERIFICATION

State of ——*ss:*
County of ——

—— (Name of affiant), being duly sworn, deposes and says: That he is the —— (Title of affiant) of the —— (Name of applicant); that he is authorized by said applicant to sign and file with the Interstate Commerce Commission this application and exhibits attached hereto, and to verify the facts and statements contained in said application and exhibits; that he has carefully examined all of such statements contained in said application and exhibits; and that the same are true and correct to the best of his knowledge, information, and belief.

Subscribed and sworn to before me, a —— in and for the State and County above, this —— day of ——, 19—.

(SEAL) My commission expires ——.

§ 1301.79 Matters to be shown in the application.

(a) The information required in this section and in §§ 1301.80, 1301.81, and 1301.82, according to the grounds upon which relief is sought, shall be shown in the application when Commission action is desired on the presentation made therein, without hearing. When a hearing is desired and applicants propose to justify at the hearing the relief desired, the information specified in this section shall be included in the application, and the information required in §§ 1301.80, 1301.81, and 1301.82 may, instead, be introduced at the hearing. It should be understood, however, that where the information included in the application does not fully justify the relief sought, or for other good cause, the application may be assigned for hearing at the Commission's discretion. The application shall show:

(b) The names of the carrier or carriers for, or on behalf of which it is made, or, if made on behalf of all carriers parties to a particular tariff, the application may refer to such tariff by Interstate Commerce Commission number (hereinafter abbreviated ICC No.).

(c) The ICC No. of all tariffs in which rates, fares, or charges referred to in the application or exhibits are published.

(d) The rates, fares, or charges proposed to be established; the basis or bases therefor; the articles or classes on which they are to apply; the points of origin and destination; and the routes between such points over which the rates, fares, or charges will apply. (Direct routes only with respect to applications for long-and-short-haul relief). When relief is desired from or to "related" points or "group" points, the points or groups shall be indicated in the map hereafter required to be furnished, or defined by reference to tariff publications providing the grouping.

(e) If long-and-short-haul relief is sought, the intermediate points at which it is proposed to maintain rates, fares, or charges higher than those proposed from or to more distant points and the rates, fares, or charges at such points. If relief from the aggregate-of-intermediate provision of section 4 is sought, the intermediate rates, fares, or charges that, in the aggregate, are less than the through rates, fares, or charges.

(f) A complete and accurate statement of the grounds relied upon as justification for the relief prayed.

(g) Applications for relief from the provisions of section 4 with respect to rates, fares, or charges included in schedules filed before the necessary relief has been obtained shall include in the opening or second paragraph a complete statement of the tariffs and supplements containing such rates, fares, or charges in substantially the following form:

> The rates (fares) (charges) as to which relief is prayed herein have been published and filed to become effective —— (Date) in —— (Name of agent or carriers) tariff ICC —— (Number). (Supplement number should be shown if published in a supplement).

§ 1301.80 Additional information required.

(a) *Long-and-short-haul relief.* Applications should show:

(1) That, where proposed rates are depressed to meet competition, the competitive rates they are being established to meet are not within the control of applicant carriers, and any other facts tending to show that such rates should not be observed as maxima at intermediate points.

(2) That the lower rates for longer than for shorter hauls over the same line or route are reasonably compensatory.

The following information is considered pertinent in a showing as to the reasonably compensatory nature of rates:

(i) Statement of ton-mile, car-mile, and per-car earnings under the competitive rates. When a general adjustment is involved covering rates between numerous competitive points and applicable or to be applied by numerous routes, it will be sufficient, ordinarily, to give representative examples of rates throughout the territory yielding the lowest earnings for the longest and shortest hauls involved.

(ii) Statement of ton-mile and car-mile expenses of petitioning carriers on the traffic involved, or other evidence showing that the proposed rates will be reasonably compensatory.

(3) A statement of rates at representative intermediate points at which rates exceed or would exceed the rates at more distant points under the proposed adjustment, including rates at the first and last higher-rated intermediate points and the distances from and to such intermediate points. This information need not be shown where the rates at the more distant points are constructed on the basis of a mileage scale and the rates at the intermediate points reflect the same mileage scale.

(4) That the higher rates for the shorter than for the longer hauls over the same line or route are reasonable. (The usual facts tending to show the

reasonableness of rates should be presented).

(5) Whether there is a complaint pending as to the reasonableness of the rates at the intermediate points on the applicant line or route.

(6) In the event the rates proposed to be superseded by subsequent revisions are maintained under authority of outstanding fourth-section orders, reference to such orders shall be furnished.

(7) Where the proposed adjustment is in any way related to a prior adjustment as to which relief has been authorized, that is, the addition of origins, destinations, commodities, etc., or involves rates for the return movement of commodities as to which relief for initial hauls has been authorized, reference to orders authorizing such relief shall be furnished.

(b) *Aggregate-of-intermediates relief.* Applications should show:

(1) The origins and destinations from and to which it is proposed to continue, or to establish and maintain through rates, fares, or charges which exceed the aggregate-of-intermediate rates, fares, or charges, together with the intermediate rates, fares, or charges that, in the aggregate, are less than the through rates, fares, or charges.

(2) That the intermediate rates, fares, or charges which, in the aggregate, are lower than the through rates, fares, or charges, are depressed by competitive conditions that do not affect the through rates, fares, or charges; and the same information with respect to the conditions alleged as affecting the intermediate rates as that required in applications for long-and-short-haul relief with respect to similar conditions when alleged as grounds for maintaining lower rates for longer than for shorter distances.

(3) That the through rates, fares, or charges that would exceed the aggregate-of-intermediate rates, fares, or charges are reasonable. (The usual facts tending to show the reasonableness of rates should be presented).

§ 1301.81 Additional matters to be shown.

(a) *Applications based on water competitions.* (1) The name of the competing water line or lines actually in operation between the water points and whether said water line or lines, in the transportation of the traffic involved, are subject to the Interstate Commerce Act.

(2) A detailed statement of the charges over the water line or lines, including marine insurance, wharfage, handling, shrinkage, and all other applicable incidental charges. Where such charges are named in tariffs on file with this Commission, reference should be made to such tariffs by ICC number.

(3) Whether facilities for loading into and unloading from barges or ships are available.

(4) The minimum tender that may be made to the water carrier or carriers, and whether shippers and receivers are equipped to handle such amounts.

(5) If the season of navigation is restricted, and, if so, that available storage will permit the handling by water of receivers' needs during the season of navigation.

(6) The cost of installation, maintenance, etc., of loading, unloading, and storage facilities which must be constructed or installed before water transportation is feasible.

(7) Evidence supporting water costs and accessorial charges which are not published in tariffs on file with the Commission.

(8) Certification that a copy of the application has been served upon the competing water line or lines named in paragraph (a)(1) hereof. The service and certification shall conform with the requirements of Rule 22 of the General Rules of Practice (§ 1100.22 of this chapter).

(b) *Applications based on motor carrier competition.* The charges over the competing motor line or lines, including all incidental charges, and if interstate common or contract carrier or carriers, reference to the applicable tariffs by ICC numbers.

(c) *Applications based on market competition.* (1) The names of the producing or receiving points whose competition is to be met.

(2) The short line or route and distances, or the class rate distances if the latter are normally used for rate making purposes, from the various

producing points to the common market and tariff authority for the distances.

(3) The rates from the competitive producing points with reference by ICC No. to the tariffs naming the rates and whether they conform to the provisions of section 4 of the act. If relief has been granted or application is pending as to such rates, give reference to the ICC No. of the application or order.

(4) Whether similar competition is to be met at intermediate points.

(d) *Applications based on weak financial condition or high operating costs of the applicant line.* Financial statistics and operating conditions.

§ 1301.82 Miscellaneous provisions.

(a) In addition to the above, applications should show any other conditions or circumstances relied upon as constituting a special case within the meaning of section 4(1) of the act.

(b) Applications should contain a map, made a part thereof, showing the relative location of lines or routes, the competitive points, and representative intermediate points at which higher rates are to be charged, or representative points from or to which it is proposed to maintain through rates, fares, or charges which exceed the aggregate of intermediates. This map need not be furnished where departures are due only to use of class rate distances and grouping, or to the use of relief line arbitraries.

§ 1301.83 Acceptance of applications.

In any case when, upon inspection, the Commission is of the opinion that an application does not sufficiently set forth required material or is otherwise deficient, the Commission may decline to accept the application for filing and may return it unfiled, or the Commission may accept it for filing and advise the person tendering it of the deficiencies and require that such deficiencies be corrected.

§ 1301.84 Applications for relief previously denied.

If the Commission denies an application, and the carrier presents a new application based upon new or additional facts in justification of the proposed rates, fares, or charges, such facts should be clearly indicated as such, and the modified application must refer specifically to the previous application and the number of the order by which it was denied.

§ 1301.85 Changes and additions.

Copies of any amendment to the application, or any additional information furnished to the Commission in connection therewith, including notices of any changes in the effective date of the rates, fares, or charges as set forth in compliance with § 1301.79(g), shall be served by applicant upon all parties served with a copy of the application and upon all parties protesting the application. The service and certification thereof shall conform with the requirements of Rule 22 of the General Rules of Practice (§ 1100.22 of this chapter).

PART 1302—EXPORT AND IMPORT SHIPMENTS; RAILROADS

CHARGES FOR RAIL TRANSPORTATION WHEN WATER TRANSPORTATION PERFORMED IN VESSELS NOT DOCUMENTED UNDER LAWS OF THE UNITED STATES

Sec.
1302.41 Suspension of statute.
1302.42 Further suspension of statute.
1302.43 Applicable rates on shipments in transit when statute becomes effective.

AUTHORITY: Sec. 28, 41 Stat. 999, as amended; 46 U.S.C. 484.

SOURCE: 32 FR 20541, Dec. 20, 1967, unless otherwise noted.

CROSS REFERENCES: For United States Customs Service, Department of Treasury; see Customs Duties, 19 CFR Chapter I. For Foreign-Trade Zones Board; see Commerce, 15 CFR Chapter IV. For Regulations of Domestic and International Business Administration concerning foreign trade statistics; see Commerce, 15 CFR Chapter III.

CHARGES FOR RAIL TRANSPORTATION WHEN WATER TRANSPORTATION PERFORMED IN VESSELS NOT DOCUMENTED UNDER LAWS OF THE UNITED STATES

§ 1302.41 Suspension of statute.

The provisions of section 28 of the Merchant Marine Act, 1920, are hereby further suspended from and including the first day of January, 1921, until further order of this Commission.

§ 1302.42 Further suspension of statute.

(a) Order of March 11, 1924, as modified, which terminated order of June 14, 1920, as modified, suspending provisions of sec. 28 of the Merchant Marine Act, 1920, until further order of the Commission, is hereby vacated and set aside.

(b) The provisions of said order of June 14, 1920, as modified by the supplemental orders of July 27, 1920, December 11, 1920, and February 7, 1921, specified in the paragraph (a), shall continue in force until further order of the Commission.

§ 1302.43 Applicable rates on shipments in transit when statute becomes effective.

The following conditions are hereby prescribed as supplemental to the orders aforesaid suspending the provisions of section 28 of the Merchant Marine Act, that is to say, that notwithstanding the provisions of the aforesaid section 28 may become effective during the time when export or import shipments are in transit to or from the ports of export or import the following conditions shall be observed.

(a) With respect to all export shipments delivered to and receipted for by common carriers subject to the provisions of section 6 of the Interstate Commerce Act (Sec. 6, 24 Stat. 380, as amended; 49 U.S.C. 6(13)) the rates to the ports in force and applicable upon said shipments via the lines of said carriers upon the date of delivery to and receipt by such carriers shall be applied to said shipments; and,

(b) With respect to all import shipments delivered to and receipted for by common carriers subject to the provisions of section 6 of the Interstate Commerce Act (49 U.S.C. 6 (13)) the rates from the ports in force and applicable to said shipments over the lines of said carriers upon the date of delivery to and receipt by such carriers shall be applied to said shipments.

PART 1303—PASSENGER SERVICE SCHEDULES; RAIL AND WATER CARRIERS

PASSENGER FARE SCHEDULES

Sec.

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Sec.
1303.36 Transmission of publications to subscribers.
1303.37 ICC numbering systems.
1303.38 Codes for identification of places.

Authority: Secs. 5, 6, 12, 24 Stat. 380, 49 Stat. 546, 560; secs. 304, 306, 54 Stat. 933; 49 U.S.C. 5, 6, 12, 304, 317, 906.

Source: 32 FR 20541, Dec. 20, 1967, unless otherwise noted.

Note: This part is applicable to the construction, filing, and posting of passenger tariffs of common carriers by railroad (including sleeping car companies) and by water, and passenger tariffs containing joint fares or charges between motor common carriers and common carriers by railroad or by water.

PASSENGER FARE SCHEDULES

§ 1303.0 General provisions; definitions.

(a) *Confirmation to rules; reissue.* All tariffs filed on or after May 1, 1958, shall conform to the regulations in this part. The Commission may direct the reissue of any tariff, power of attorney or concurrence at any time.

(b) *Definitions*—(1) *Local fare.* The term "local fare" as used in this part, means a fare for service by one carrier only. A local tariff is one which contains fares or charges for service by one carrier only.

(2) *Joint fare or joint charge.* The terms "joint fare" or "joint charge", as used in this part, mean a fare or charge for service by two or more carriers that is made by agreement between or among such carriers.

(3) *Joint tariff.* Joint tariffs are those which contain fares or charges.

(4) The term "suburban service" as used herein means the transportation of passengers between places or communities the limits of which are not more than 75 miles apart as measured by air line distances.

(5) The term "commutation fare" as used herein means the amount charged for a ticket good for travel for a limited number of trips (not for a single round trip) or for an unlimited number of trips within a certain period of time, the amount charged being less than would be paid in the aggregate at the normal one-way fare for the maximum number of separate trips possible.

(c) *Tariff includes amendments.* Except where the context indicates the contrary, the word "tariff" as used in this part also includes supplements and other amendments to tariffs.

(d) *Reference to section designations, shortcut method.* For convenience, that portion of a section designation appearing to the right of the decimal point in this part may be used in referring to such section in correspondence with the Commission; for example, § 1303.4(f)(1) may be referred to as section 4(f)(1).

§ 1303.1 Form, size, and printing.

(a) *Form and size.* All tariffs must be in book, pamphlet, single-sheet or loose-leaf form, of size 8 by 11 inches, except that tariffs and supplements also intended for use in collecting passenger fares and charges on trains may be in book or pamphlet form smaller in size than 8 by 11 inches.

(b) *Paper; size of type.* Tariffs must be plainly printed on paper of durable quality and in type not less than 6-point bold or full face, except as provided in § 1303.8(i) as to vacation notice, and except, further, that not less than 4-point full face type may be used for reference marks. Explanation of reference marks must be in type not less than 6-point bold or full face.

(c) *Method of printing.* Stereotype, planograph, mimeograph or other similar durable process may be used, provided the copies posted and filed are clear and legible in every respect. Reproduction by hectograph or similar process, typewritten sheets or proof sheets must not be used for posting or filing.

(d) *Alterations.* Erasures or alterations must not be made in tariffs filed with the Commission or posted at stations.

(e) *Margin.* A margin of not less than five-eighths of an inch with no printing thereon must be allowed at the binding edge of each tariff.

(f) *Tables, ruling of.* When tables of numerals are used, the page shall be vertically ruled in columns of sufficient width to accommodate the matter to be shown therein (including reference marks) without crowding.

(g) *Pages, numbering.* Except as provided in § 1303.6(e), the pages of a tariff shall be consecutively numbered. The title page shall be considered as page 1, but shall not be numbered; and the interior pages shall be numbered beginning with 2, except that in loose-leaf tariffs the title page shall be designated as "Title Page" and the next page as page 1.

§ 1303.2 Indicating changes in tariff or amendment.

(a) *Reference marks.* All tariffs, supplements, and loose-leaf pages must indicate any change in existing fares, rates, or charges, and in rules, regulations, or practices except when a change in wording results in neither increase nor reduction, by use of uniform reference marks in connection with the change. The reference marks used shall be those specified for the purpose in § 1303.4(d).

(b) *General changes indicated at top of page.* (1) When a change of the same character is made in all or in substantially all of the fares or rates in a tariff or supplement, or a page thereof, the fact and the nature of such change may be indicated in distinctive type at the top of the title page of such issue, or at the top of each page, respectively, in substantially the following manner:

All fares in this issue are increases or

All fares on this page are reductions, except as otherwise provided in connection with the fares.

(2) Fares which are not changed or changes not consistent with the notation shall be appropriately symbolized.

§ 1303.3 Title page arrangement.

The title page of every tariff and of every supplement shall show:

(a) *ICC designations or numbers and cancellations.* In the upper right-hand corner, the ICC identification. Prior to March 1, 1979, tariffs may use either one of two systems of identification, subject to certain restrictions. One is the numbering system whereby each carrier and agent numbers each new issue consecutively. The other is the system employing both alphabetical characters (the code signifying the issuing carrier or agent or, in some instances the kind of tariff—see § 1303.37 (c)(2)(ii)) and numbers (the carrier's or agent's own tariff number including a suffix letter, if any). See § 1303.37—ICC Numbering Systems for details. The first is referred to in these rules as the "ICC number" and the other, while also an ICC number, is differentiated by referring to it as "standard ICC designation." Immediately under this designation or number shall be shown the ICC designation or ICC number (and letter, if any) of each tariff or the number of each supplement canceled thereby. If the number of publications canceled is so large as to make it impracticable to enter them on the title page, the cancellation notice must be shown on page 2 and specific reference thereto shown on the title page directly under the ICC designation or number.

(b) *Name of carrier or agent.* The name of the issuing carrier or the name of the agent issuing under power of attorney. See § 1303.4(b)(1).

(c) *Kind of tariff.* Whether tariff or supplement contains local or joint, or local and joint fares, rates, or charges; whether it applies for passengers, baggage, milk, or other kind of service; whether fares are one-way, round-trip, proportional, or basing; and whether it contains all-rail, rail-motor, all-water, or rail-water, motor-water, etc., fares or charges, or any combination of such types of fares or charges.

(d) *Territory.* The territory or points from and to which the tariff applies, briefly stated.

(e) *Effective date.* (1) Date of issue and effective date. Every publication which contains fares or other provisions effective upon a date different from the general effective date of such publication must show on its title page the following notation: "Effective————, 19—— (except as otherwise provided herein)" or "(except as provided in Item ——)" or "(except as provided on page ——)."

(2) A provision in a tariff or supplement that it or any part of it will expire with a given date is not a guaranty that the tariff or supplement or such part thereof will remain effective until and including that date. Such provision, if used, will be held to mean that the tariff or supplement or speci-

fied part of it will expire with the date named, unless the date is changed on statutory notice, or under special permission. Where used, the expiration notice must read: "Expires with —————————— (date) unless sooner canceled, changed or extended."

(f) *Issuing officer or agent.* At the bottom of the title page, the name, title, and mail address of the individual actually responsible for compiling and filing the schedule. If the tariff is issued by a natural person as agent, his name must be shown with the title of "Agent." If issued by a corporation or association as agent, the name and title of the person responsible for the actual compilation and filing must be shown.

[32 FR 20541, Dec. 20, 1967, as amended at 43 FR 8534, Mar. 2, 1978]

§ 1303.4 Content of tariffs.

Tariffs shall contain:

(a) *Table of contents.* A full and complete statement, alphabetically arranged, of general subject headings and the exact location where they will be found. If a tariff contains so small a volume of matter that its title page or interior arrangement clearly discloses its contents, the table of contents may be omitted.

(b) *Names of participating carriers.* (1) A list of the correct names of all carriers participating therein, subdivided according to (i) initial carriers, and (ii) intermediate and terminating carriers, each subdivision alphabetically arranged, together with the form and number of power of attorney or certificate of concurrence, except as provided in paragraphs (b) (2), (3) and (4) of this section. If there be not more than 10 participating carriers, their names and power of attorney and concurrence forms and numbers may be shown on the title page. Reference to the forms and numbers of powers of attorney and concurrences may be omitted, provided this information is furnished to the Commission in an acceptable form.

(2) A tariff containing only regulations and charges for the transportation of baggage or dangerous articles may omit the list of intermediate and terminating carriers, provided there is included therein under the caption "Participating Carriers" a statement reading as follows:

> Carriers parties to this tariff other than those specifically named herein, are the carriers named as participating carriers in fare tariffs which specifically refer to this tariff for regulations and charges.

(3) Where a tariff of round-trip excursion fares makes reference by ICC number to a tariff of one-way fares for fares on which such round-trip fares are based, as provided in paragraph (f)(7) of this section, the tariff of round-trip excursion fares may state under the caption "Participating Carriers" that the carriers parties to the tariff of round-trip excursion fares are those which are parties to the tariff of one-way fares referred to, identifying the latter tariff by issuing carrier or agent and ICC number.

(4) Where all-rail fares also are applicable as joint rail-motor fares under arrangements referred to in paragraph (g)(3) of this section, it will not be necessary in the tariff providing the fares to list the names of the motor carriers which participate in the fares only by arrangements published in the joint rail-motor routing and honoring tariff, but the tariff making reference to the joint rail-motor routing and honoring tariff, under the caption "Participating Carriers," shall contain the following statement:

> Motor carriers participating in this tariff are those shown as parties to (name of joint rail-motor routing and honoring tariff) No. ——, Agent —— ICC No. ——, over whose routes, as shown therein, fares in this tariff are applicable under the provisions of Rule ——. (Here refer to rule in which provision authorized in paragraph (g)(3) of this section is published.)

(c) *Index of stations.* (1) Except as indicated in paragraph (c)(2) of this section, an alphabetical index of points from which fares, rates, or charges apply, and a separate alphabetical index of points to which fares, rates, or charges apply, with reference to the location in the tariff of the fares, rates, or charges from or to such points. When fares, rates, or charges apply in both directions, the points of origin and destination may be shown in one index.

(2) If throughout the tariff, points of origin or destination are shown alphabetically by states or by carriers and such states or carriers are alphabetically arranged, or if throughout the tariff, points of origin or destination are shown in continuous alphabetical order, no index of such alphabetically arranged points of origin or destination will be required, but the table of contents must refer to the pages on which points are shown. If there be not more than twelve points of origin and twelve points of destination, they may be shown on the title page of the tariff, and the index omitted.

(d) *Explanation of reference marks and abbreviations.* (1) Explanation of reference marks and abbreviations used in the tariff or supplement, except that commonly used abbreviations of State names may be omitted, and except further that abbreviations of the names of participating carriers may be explained in the list of such carriers, provided a statement to that effect is included under the "Explanation of Abbreviations." If the explanation of a reference mark does not appear on the page on which the reference mark is used, that page shall show where the explanation is given. A supplement shall contain an explanation of all reference marks appearing in the supplement, but need contain the explanation only of those abbreviations appearing in the supplement which are not explained in the original tariff (if explained in a prior supplement, the explanation must be repeated).

(2) The following reference marks shall be used, and shall be used only, for the purposes indicated:

▲or r to denote reductions.
◆or a to denote increases.
• or n to denote no change in fare or rate.
+ or ✓ to denote intrastate application only.
□ or ◊ to denote reissued matter. (See § 1303.8(d).)
b to indicate basing fare only.

(3) Changes resulting in increases which are not identified by proper symbols shall be considered unlawfully published and filed and therefore invalid and not collectable. In such cases, the lawful provisions will be those which were purportedly superseded. Invalid provisions shall be canceled by publications which shall bring forward, or properly amend, provisions which have remained in effect by reason of invalid publication.

(e) *Rules and regulations.* (1) Rules and other governing provisions, with the title or subject of each to be shown in distinctive type. Under this heading, all of the rules, regulations, explanatory statements, or other conditions which in any way affect the application of the fares, rates, or charges shall be clearly and explicitly stated, except that a special rule affecting a particular fare, rate, or charge shall be shown in connection with and on the same page with such fare, rate or charge.

(2) Except as provided in paragraph (f)(3) of this section, no rule or regulation shall be included which authorizes substituting for any fare, rate, charge, or route named in the tariff, a fare, rate, charge, or route provided in any other tariff.

(3) Where it is not desirable to include general governing rules and regulations in a passenger fare tariff, such rules and regulations may be separately published in a tariff filed by an individual carrier or by an agent. When rules or regulations are thus separately published, a fare tariff may be made subject thereto only by specific reference thereto by ICC number.

(4) When tariffs of joint fares make reference to separate publications for governing rules and regulations, such separate publications must be concurred in by all of the carriers parties to such joint fares.

(5) A "Miscellaneous Regulations" rule may be included in a joint tariff for the purpose of applying in connection therewith specific rules of one or more participating carriers when such rules are not generally applicable to all of the carriers. The rule should read substantially as follows:

> Except as otherwise specifically provided herein, the fares authorized in this tariff are subject to the rules and regulations shown in other tariffs of the issuing and participating carriers to this tariff, lawfully on file with the Interstate Commerce Commission, which in any way affect the meas-

ure of the service or charges shown in this tariff.

(6) For the purpose of providing through fares from and to all stations on the lines of the carriers within the territory covered by the application of the tariff, a tariff may contain a rule reading substantially as follows:

> A fare to a destination or from a point of origin not shown in this tariff will be made by adding the fare shown in this tariff to or from an intermediate point on the route of travel to a fare of like class from or to the intermediate point shown in another tariff lawfully on file with the Interstate Commerce Commission, but if the fare so made exceeds the fare of like class to or from a point beyond on the same through line, as shown in this tariff, the latter fare will apply.

(f) *Fares, rates, or charges.* (1) An explicit statement of the fares, rates, or charges for transportation, in cents or in dollars and cents per passenger or other unit, all arranged in simple and systematic manner, as outlined in paragraphs (f)(2) to (9), inclusive, of this section. Complicated plans or ambiguous terms must not be used.

(2) A tariff, in providing one-way adult fares, must show the exact fares, in one sum, for at least one class of service from and to the points from and to which it applies, or the exact fares, in one sum, for at least one class of service between the principal points, together with explicit rules and bases from which to determine the fares from and to other points.

(3) A station located on the border of two territories covered by two joint tariffs may be included in one or the other of such tariffs and the basis for fares from or to such point stated as:

(i) A specific amount added to the fare to or from an intermediate station shown in the same tariff, but not to exceed the corresponding fare to or from a station beyond on the same through route as published in the other tariff (see note); or

(ii) A specific amount added to the fare to or from an intermediate point, as shown in the other tariff (see note), but not to exceed the corresponding fare to or from a point beyond on the same through route as shown in the same tariff.

NOTE: When reference is made in the published basis to a fare published in another tariff, such reference must show the ICC number of the tariff in which the fare is published, together with the name of the issuing agent or carrier.

(4) Children's fares may be stated in terms specifically related to adult fares.

(5) Except as otherwise provided in this paragraph, a tariff containing other types of fares (including round-trip fares), or excess-baggage rates and charges may show the exact fare, rate, or charge, or publish them by means of appropriate tables based on the one-way fares. Tariffs of fares, rates, or charges, other than excess baggage rates, based upon the one-way fares must give reference to the ICC number or numbers of tariffs containing the one-way fares.

(6) A tariff of commutation fares may provide fares by means of a table based upon the distance in miles between stations, and include in the tariff a table showing the distances between stations or make reference by ICC number to the tariff containing such distances.

(7) Tariffs naming temporary round-trip fares, which tariff is to be effective for a period not exceeding one year, may state such fares in terms specifically related to the one-way fares. Such tariffs must refer specifically by ICC number to the tariffs of one-way fares on which the round-trip fares are based.

(8) Tariffs for sleeping car accommodations must contain specific rates for at least one class of accommodation. Rates for other sleeping car accommodations may be stated in terms specifically related to such specific rates. Rates for parlor car accommodations must be published in such manner that they can be readily ascertained.

(9) All other fares, rates, or charges for the transportation of passengers or property not specified in paragraphs (f)(2) to (8), inclusive, of this section must be published in such manner that they can be readily ascertained, and the service for which they apply must be definitely stated.

(10) Except as provided in § 1303.5(b)(1), the publication of fares, rates, or charges which duplicate or

conflict with those published in the same or some other tariff for application over the same route is not permissible.

(g) *Routes.* (1) The routes over which fares or rates apply, showing the names of the carriers and junction points; except that the routes may be shown directly in connection with the fares or rates, or in lieu of publication in the tariff naming fares or rates, such routes may be published in a separate tariff or tariffs which must be specifically referred to by ICC number in the tariff naming the fares or rates.

(2) A tariff providing temporary round-trip fares, which tariff is to be effective for a period not exceeding one year, wherein such fares are provided by means of an appropriate table based on one-way fares or are stated in terms specifically related to one-way fares, may authorize the application of the temporary round-trip fares over routes, including reverse of routes, applicable in connection with the one-way fares on which based, and also over additional routes specifically provided in the tariff of temporary round-trip fares.

(3) A tariff containing all-rail fares which also are applicable as joint rail-motor fares from and to, or between, the same points, may refer to a joint agency tariff for routing and regulations governing the honoring of tickets over joint rail-motor routes by a statement in the rules governing the application of fares (see paragraph (e) of this section), reading substantially as follows:

> Fares published in this tariff apply over routes shown in connection therewith and also are applicable as joint fares for transportation over routes composed of rail and motor carriers shown as parties to this tariff between points of origin and destination shown herein via the several junction points of such rail and motor carriers, to the extent and under conditions provided in ——
>
> ————————————————————
>
> (Name of joint rail-motor routing and honoring tariff)
>
> No. —, Agent ——— ICC No. —.

(5 U.S.C. 553; 49 U.S.C. 10762)

[32 FR 20541, Dec. 20, 1967, as amended at 45 FR 60439, Sept. 12, 1980]

§ 1303.5 Fares maintained for emergency or basing purposes.

(a) *Fares where no regular service.* When fares are published from and to points where passenger service is not regularly operated, such fares shall be symbolized to indicate that no regular service is operated but fares are maintained for emergency purposes.

(b) *Basing fares.* (1) Where desired, fares published in one tariff may be reproduced as basing fares only, for the construction of through fares.

(2) A tariff containing basing fares must specify clearly the extent and manner of their use. In making up a combination fare, all limitations which a tariff places upon the use of the basing, proportional or arbitrary fare must be fully observed.

§ 1303.6 Loose-leaf tariffs.

(a) *Title page.* The title page of a loose-leaf tariff shall be designated in the upper left-hand corner thereof as "Original Title Page," and shall be printed on one side of the leaf only. The pages following the title page shall be consecutively numbered as "Original Page 1," "Original Page 2," etc. Such pages may be printed on both sides but if so printed, the entire leaf must be reissued in accordance with paragraph (c) of this section whenever a change is made on either side.

(b) *Pages following title page.* Each page of a loose-leaf tariff following the title page must show at the top of the page the name of the issuing carrier, or of the issuing agent (identified as "Agent"). If the issuing agent is a corporation or association, there also shall be shown the full name of the bureau, committees or regional association, if any, under whose auspices the schedule is compiled and filed. At the top of the page also shall be shown the page number and ICC number of the tariff. Each page also shall show the date of issue, the effective date, the name, title, and mail address of the individual actually responsible for compiling and filing the schedule. If the tariff is issued by an individual agent, his name must be shown with the title of "Agent". If issued by a corporation or association as agent, the name and title of the person responsible for the actual compilation and filing must be shown.

(c) *Amendments, by revised pages.* Changes in and additions to loose-leaf tariffs shall be made by reprinting the page upon which change or addition is made, and such changed page shall be designated as a revised page and shall direct the cancellation of the page which it replaces; for example, "1st Revised Page 1 cancels Original Page 1" or "4th Revised Page 3 cancels 3rd Revised Page 3." If the leaf is printed on both sides, both pages must be reissued and each designated as a revised page whenever a change is made on either side. Changes shall be indicated as required by § 1303.2, and if a page is reissued without change, the notation "No change on this page" shall appear at the top of the page. When a revised title page is issued, the following notation shall be shown in connection with the effective date, "Original tariff effective ————." (date)

(d) *Matter brought forward without change.* (1) Matter in a loose-leaf tariff that has been in effect for thirty days or more need not be indicated as reissued matter, but may be republished as effective on thirty days' notice. Matter that has not been in effect for thirty days when brought forward must be shown as "Reissue: Effective ———————— (date) on Revised Page ——."

(2) When a revised page is issued which omits matter heretofore published on the page which it cancels, and such matter is published on another page, the revised page must make specific reference to the page on which the matter will be found, and the page to which reference is made must contain the following notation in connection with such matter:

For——————————————
(Here insert fares, rates, rules, regulations, etc., as the case may be) in effect prior to the effective date hereof see page ——.

Subsequently revised pages of the same number must omit this notation insofar as this particular matter is concerned.

(e) *Pages to accommodate expanded matter.* If, in a loose-leaf tariff, it becomes necessary to add an intervening page in order to accommodate expanded matter, such page shall be given the same number with a letter suffix; for example, "Original Page 4-A," "Original Page 4-B," etc. Change in matter on such revised pages may be made by issuing revised pages bearing the same number and letter suffix; for example, "1st Revised Page 4-A cancels Original Page 4-A."

(f) *Additional pages at end of tariff.* If, after a loose-leaf tariff has been filed with the Commission, it is desired to file additional pages thereto, such pages may be filed, and numbered beginning with the next successive page number. For example, if a tariff contains 150 pages, page 151 must not be designated as an additional page but as Original Page 151.

(g) *No supplement, except as indicated.* No supplement shall be issued to a loose-leaf tariff except for the purposes authorized in §§ 1303.7(a)(2), 1303.8(g), 1303.8(h), and 1303.8(i).

(h) *Check sheets.* (1) A check sheet shall be included in each loose-leaf tariff and shall be designated as "Original Check Sheet." This check sheet shall contain a numerical list of all effective pages, and must be kept current; that is, a revised check sheet listing the added or revised pages must accompany such pages when they are filed with the Commission; however, if each revised page of the tariff bears a consecutive "correction number" beginning with the number 1, the check sheet may omit the numerical list of effective pages and, instead, list correction numbers numerically so that each revised page, as received, may be checked by its "correction number."

(2) Fares, rules, or other tariff matter may not appear on the reverse side of a check sheet.

(3) When all changes made by a supplement to a loose-leaf tariff have been incorporated in the tariff proper by revision of the appropriate pages, the supplement shall be canceled. Such cancellation must be made by reissue of the check sheet and by adding in the upper right-hand corner immediately following the words "cancels —— Revised Check Sheet" the words "also cancels Supplement No. ——."

§ 1303.7 Cancellation of transfer of fares or other provisions.

(a) *Cancellation of entire tariff.* (1) When a tariff is canceled by a new tariff, the cancellation notice must not be given by supplement but by notice in the new tariff as provided in § 1303.3(a).

(2) For the purpose of canceling entirely the fares and arrangements named in a tariff (including a loose-leaf tariff) not reissued, or when a later issue failed to cancel the previous issue and such issue is canceled for the purpose of perfecting the records, the tariff must be canceled by a supplement thereto, without regard to the provisions of § 1303.8(e). Such supplement must show specific reference to the ICC number of the tariff where fares or other provisions will be found thereafter or shall state that no such fares or other provisions will be in effect.

(b) *Transfer of portion of contents from one tariff to another.* If a tariff or supplement or loose-leaf page is issued which is to displace a part of another tariff which is in effect at the time, and which tariff is not thereby canceled in full, it shall specifically state the portion of such other tariff which is thereby canceled, and such other tariff shall at the same time be correspondingly amended, effective on the same date, in the regular way, and shall indicate where fares or other provisions canceled therein thereafter will be found.

(c) *Notice to specify where fares can be found.* When a tariff is canceled in whole or in part by a supplement thereto, the supplement must show where the fares or other matter thereafter will be found or what fares thereafter will apply. When a tariff is to be canceled by another tariff or by a supplement to another tariff which does not contain all of the fares shown in the tariff to be canceled, i.e., omits points of origin or destination, or fares, rates, charges, rules, regulations, or routes, contained in such previous issue, the canceling (new) tariff or supplement shall explain the omission and must state where the fares not shown therein thereafter will be found, or what fares thereafter will apply.

(d) *Reestablish canceled matter by republication.* When a tariff, a supplement, or a loose-leaf page, or any part thereof, is canceled or expires and such cancellation or expiration has become effective, such tariff matter may not be reinstated except by republication with a new effective date.

(e) *Procedure in canceling portion of tariff.* When withdrawing an item, rule or other tariff matter, the canceled matter need not be reproduced except to the extent necessary to identify the matter that is thereby canceled. Such cancellation must be brought forward in successive supplements as reissued matter.

(f) *Transfer of fares from carrier's to agent's tariff and from agent's to carrier's tariff.* (1) If a tariff issued by an agent is intended to displace a tariff issued by one of his (or its) principals, the tariff to be displaced may be canceled by supplement thereto, with reference to the agent's tariff for fares in the future, or the agent's tariff may cancel the principal's tariff in accordance with paragraph (a) of this section. If, however, matter in an agent's tariff is intended to displace similar matter in a principal's tariff, but not to displace such tariff completely, cancellation shall be made in the manner shown in paragraph (b) of this section, and the carrier must issue a supplement to its tariff to cancel such matter. Such supplement must refer to the agent's tariff for future fares or other provisions.

(2) A carrier must not publish in its individual tariff fares or other matter intended to displace the fares or other matter published in a tariff of a duly authorized agent, unless the tariff is accompanied by a supplement issued by the agent canceling the fares or other matter in his (or its) tariff effective on the same date, as required by paragraph (b) of this section.

(g) *Concurrence does not confer authority to cancel.* A concurrence does not confer authority upon a carrier to cancel tariffs of the concurring carrier, and tariffs issued under concurrences must not assume to do so. Such cancellations must be made by the carrier which issued the tariff that is to be canceled.

§ 1303.8 Amendment procedure.

(a) *Definition and form.* (1) A change in, or addition to, a tariff shall be known as an amendment, and, excepting amendments to tariffs of less than two pages and amendments to tariffs in loose-leaf form, shall be published in a supplement to the tariff.

(2) Supplements to a tariff shall be numbered consecutively as issued, beginning with number 1. Each supplement shall specify on its title page the supplement or supplements, tariff or tariffs that it cancels, and shall state which supplements contain all changes. Supplements filed under authority of paragraphs (g), (h) or (i), of this section and blanket or special supplements that do not change fares, rates, charges, rules, or regulations must be shown separately and the nature of each such supplement must be clearly indicated.

(3) The matter contained in each supplement shall be arranged in the same general manner and order as in the tariff which it amends, and when stations are given index numbers the same index number must be assigned to the same station in all supplements to the tariff.

(4) When an amendment is made in a numbered item or other unit, such item or other unit must be published in a supplement in its entirety as amended. Supplements effecting change in, or cancellation of, matter published in numbered units must specifically provide for cancellation of previously effective matter by reference to the number of the unit it cancels, and if the unit to be canceled is in a supplement, the new supplement must also give reference by number to the previous supplement. Where matter is not published in numbered units, the changed provision must be published in the supplement in its entirety, and reference must be made to the page or pages of the tariff or supplement on which the matter to be canceled is shown.

(b) *Amendment canceling fares on abandoned lines.* When amending tariffs for the purpose of canceling fares to or from points on, or fares via, abandoned lines under authority of certificates and orders issued in the Commission's finance dockets or when canceling fares to and from points on lines over which passenger service has been discontinued, such cancellation may be accomplished by a general-term statement specifically naming the points from and to which such fares are canceled without showing in detail and in its entirety as amended, each item or other provision that is affected thereby. Such amendment may be published in a special supplement without observing the provisions of paragraph (e) of this section: Provided, That the matter in the special supplement is brought forward into a regular supplement when it again becomes necessary to supplement the tariff for purposes other than as provided for in this paragraph.

(c) *Cancellation of fares when participating carrier eliminated.* (1) When a participating carrier is eliminated by supplement or by revised page of a loose-leaf tariff, the tariff must be amended on the same effective date to provide for the cancellation of fares and other provisions in connection with that carrier. This may be done either by appropriate amendment of the individual items or other provisions, or by a notation immediately following the statement that the carrier has been eliminated, reading:

> This has the effect of canceling all fares and other provisions published in connection with this carrier in this tariff.

(2) When this notation is used in a supplement, the notation must be brought forward as reissued matter, together with reference to the supplement in which the change first appeared.

(3) When the notation method is used in a loose-leaf tariff, subsequent revised pages containing the list of participating carriers must bear reference to such elimination so long as the name of the eliminated carrier appears elsewhere in the tariff, the reference to be shown in the following manner:

> ________________________________
>
> (Show name of carrier here)
>
> eliminated as a participating carrier in this tariff and all fares and other provisions published in connection with that carrier canceled effective ————. See —— Revised Page ——.

(d) *Reissued matter, how designated.* Except as provided in § 1303.6, when matter that has not been in effect for thirty days is brought forward without change from a previous tariff, also when matter is brought forward without change from one supplement to another, such matter must be designated "Reissued" in distinctive type and must show the original effective date of the supplement or tariff from which reissued; or must be uniformly indicated by a rectangle, in which is shown the letter T if reissued from a previous tariff or from a supplement in which the matter was originally established when reissued from a prior supplement to the same tariff.

Examples. T Reissue, effective——— (Date) in ICC No.—; or 3 Reissue, effective ——— (Date) in Supplement 3. Reissues of items or other matter which became effective in a prior tariff or supplements on dates other than the general effective date shown on the title page thereof may be indicated by showing a letter suffix or other symbol in connection with, and as a part of, the letter T or numeral in rectangles herein authorized. When the reissued matter became effective in a supplement to another tariff, the ICC number of that tariff also must be given.

(e) *Amount of supplemental matter permitted.* Except as authorized in § 1303.7(a), paragraphs (b), (f), (g), (h), and (i) of this section, §§ 1303.10 and 1303.22, the following shall govern the number of supplements and the volume of supplemental matter permitted to be effective at any one time:

Number of pages in tariff (including title page)	Number of effective supplements	Number of pages in supplements (including title page)
1 page	None	None.
2 pages and not more than 4 pages.	1	2.
5 pages and not more than 12 pages.	1	Not more than 4 pages.
13 pages or more	2, one of which may not exceed 4 pages.	33⅓ percent of the number of pages in the tariff (see note).

NOTE.—If the number of pages in the supplement which brings the volume of matter up to 33⅓ percent of the number of pages in the tariff is not evenly divisible by 4, it may exceed the volume authorized to the extent necessary to bring the number of pages of such supplement to the next multiple of 4.

(f) *Supplement to tariff not yet effective.* (1) If a tariff is filed on statutory notice canceling another tariff and, after such filing, a supplement to the tariff to be so canceled should be issued prior to the general effective date of the new tariff, fares in that supplement would not remain in effect for thirty days as required by law, because the cancellation of the tariff also cancels the supplements to it. In such case, and confined to changes or additions necessary to be made in both the old and the new tariff, a supplement making the same changes in or additions to both tariffs may be issued as a supplement to both tariffs, bearing both ICC numbers. The required number of copies of this supplement must be posted and filed for each tariff as though the supplement to each tariff was a separate publication. In issuing a supplement in accordance with this paragraph the requirements of paragraph (e) of this section, as to number of supplements and volume of supplemental matter, need not be observed with respect to the tariff to be canceled.

(2) Fares or provisions which have been established in a previous tariff and reproduced or reissued without change in a new tariff may be changed upon lawful notice, after they have been in effect for thirty days, by a supplement to the new tariff, effective not earlier than the general effective date of the new tariff, by indicating in the supplement effecting the change that the matter which is to be amended was brought forward without change from ICC No.——(previous tariff), and showing the date such matter became effective therein.

(g) *Complete adoption notice.* (1) When the name of a carrier is changed, or when its operating control is transferred to another carrier, the carrier which will thereafter operate the properties shall file (see § 1303.11) and post (see § 1303.34) an adoption notice, numbered in its ICC series, reading substantially as follows:

The ———————— (Correct name of adopting carrier) hereby adopts, ratifies and makes its own, in every respect as if the same had been originally filed and posted by it, all passenger tariffs, rules, notices, concurrences, tariff agreements, divisions, authorities, powers of attorney, or other instruments whatsoever, including supplements or amendments thereto, filed with the Interstate Commerce Commission by or heretofore adopted by the——————— (Correct name of old carrier) prior to ——— (Date).

(2) In addition to the above adoption notice, the adopting carrier shall file immediately a consecutively numbered supplement (individual or blanket) to each of the tariffs in the ICC series of its predecessor, including any tariffs to which the predecessor has issued, or before the effective date of the adoption notice may issue, a supplement in accordance with this paragraph, reading as follows:

Effective ————— (Here insert date shown in the adoption notice) this tariff, or as amended, became the tariff of the ————— (Correct name of new carrier) as per its adoption notice ICC No. ——.

Such supplements must contain no other matter, must bear reference to this section, and may be issued without observing the provisions of paragraph (e) of this section.

(3) Succeeding supplements to adopted tariffs filed by the adopting carrier must be numbered consecutively following the number of the supplement announcing adoption, and also shall show in connection with the ICC number that the number is in the series of the carrier that issued the original tariff. New tariffs reissuing or succeeding such tariffs shall be numbered in the ICC series of the adopting carrier, and in directing the cancellation of an adopted tariff, shall identify it by using the name or initials of the carrier in whose ICC series it was issued.

(4) Tariffs issued by other carriers or agents in which the carrier absorbed, taken over, operated by another carrier, or whose name is changed, is named as a participating carrier, shall be amended on statutory notice to eliminate the name of the old carrier and to show the name of the new carrier by the first subsequent supplement. Such supplement also shall contain the following provision:

The ——————— (Correct name of adopting carrier) by its adoption notice ICC No. —— having taken over tariffs, etc., of the ——————— (Correct name of adopted carrier) the ——————— (Correct name of adopting carrier) is hereby substituted for the ——————— (Correct name of adopted carrier) wherever it appears in this tariff.

(5) A similar adoption notice must immediately be filed by a receiver or trustee when he assumes possession and control of a carrier's lines. If the adoption notice bears an ICC number (not standard ICC designation), it must be consecutively numbered in the ICC series of the adopted carrier. If the adoption notice bears a standard ICC designation (not ICC number), it must be designated in the ICC numbering system of the adopted carrier. The name of the receiver or trustee shall be shown on the title page as a part of the carrier's correct name. When such possession and operating control is terminated the carrier taking over the properties shall file an adoption notice and also shall file supplements announcing the adoption as prescribed in the foregoing subparagraphs of this paragraph.

(6) Notices of adoption should be filed with the Commission immediately, and, if possible, on or before the date shown therein. Copies must be sent immediately to each agent or carrier to which power of attorney or concurrence has been given by the old carrier and to each carrier from which a concurrence has been received by the old carrier. The notice must refer to this section, and its effective date must be the date (as shown in the body of the notice) on which the change in name or operation occurs. If prior approval of such change is necessary, reference also must be made to the order of the Commission.

(7) Concurrences and powers of attorney adopted by a carrier, a receiver, or a trustee must be replaced and superseded within 120 days by new concurrences and powers of attorney issued by and numbered in the series of the new carrier, except that if desired the receiver or trustee may number concurrences and powers of attorney in the old series. The cancellation reference to the former concurrence or power of attorney must include name or initials of the former is-

suing carrier. Concurrences and powers of attorney which will not be replaced by new issues must be regularly revoked on the notice and in the manner prescribed in § 1303.21(b).

(8) If a carrier ceases operation without having a successor, its tariffs, concurrences, and powers of attorney must be regularly canceled on statutory notice, unless otherwise specifically provided by order of the Commission; and when canceled on less than statutory notice, the cancellation notice must show that cancellation is made on account of discontinuance of operation, and must refer to the authority of the Commission permitting such discontinuance.

(h) *Partial adoption notice.* (1) When the operating control of only a part of a carrier's properties is transferred to another carrier, the carrier which will thereafter operate the properties shall file (see § 1303.11) and post (see § 1303.34) an adoption notice, numbered in its ICC series, reading substantially as follows:

The ———————————— (Correct name of old carrier) hereby adopts, ratifies, and makes its own, in every respect as if the same had been originally filed and posted by it, all passenger tariffs, rules, notices, concurrences, traffic agreements, divisions, authorities, powers of attorney, or other instruments whatsoever, including supplements or amendments thereto, filed with the Interstate Commerce Commission by or heretofore adopted by the—————— ———————— (Correct name of old carrier) prior to ———————————— (Date) insofar as said instruments apply from, to, at, or via the following stations ———————— ———————— (Naming them).

(2) If on the transferred portion, there is a junction point which will remain a station of the old carrier as well as being established as a station of the new carrier, a notation may be provided in connection with the name of such point in the adoption notice and the supplements required by paragraph (h)(3) of this section, reading substantially as follows:

This does not have the effect of eliminating ———————————— as a station on ———————————— (Correct name of old carrier) but has the effect of establishing said station also as a station on ———————————— (Correct name of adopting carrier).

(See also paragraphs (h)(3) and (5) of this section.)

(3) In addition to the above adoption notice, the old carrier shall immediately file, under proper concurrence from the adopting carrier, a supplement (individual or blanket) to each of its tariffs covered by the adoption notice containing a provision reading as follows:

Effective ———————————— (Here insert effective date of adoption as shown in the adoption notice) this tariff or as amended insofar as it contains fares, rules, and/or regulations applying from, to, at, or via the following stations—————— ———————— (Naming them) became the tariff of the ———————————— (Correct name of adopting carrier) as stated in its adoption notice ICC No. ——.

Such supplement must contain no other matter, must bear reference to this section, and may be issued without observing the provisions of paragraph (e) of this section. When the circumstances covered by paragraph (h)(2) of this section are present, the notation directed in that paragraph shall be added to the above notice.

(4) Fares and other provisions published by the old carrier applying between points on the transferred portion shall as quickly as possible be published in tariffs of the adopting carrier; and, effective on the same date, the old carrier shall cancel the corresponding fares and other provisions from its tariffs, with reference to the ICC number of the adopting carrier for fares and other provisions applying thereafter.

(5) Tariffs issued by other carriers or agents, in which the carrier absorbed, taken over, or operated in part by another carrier is named as a participating carrier, shall be amended on statutory notice to add the new carrier as a participating carrier by the first subsequent supplement. Such supplement also shall contain the following provision:

The ———————————— (Correct name of adopting carrier) by its adoption notice, ICC No. ——, having taken over tariffs, etc., of the ———————————— (Correct name of old carrier) insofar as they contain fares, charges, rules, or regulations applying from, to, at, or via the following stations ————————————, (Naming them) the ———————— (Correct name of adopting carrier) is hereby substituted for the ———————————— (Correct name of old carrier) wherever the latter appears in this tariff in connection with said stations and provisions.

When the circumstances covered by paragraph (h)(2) of this section are present, the notation directed in that paragraph shall be added to the above notice.

(6) Similar adoption notice numbered in the ICC series of the carrier must be filed immediately by a receiver or trustee when he assumes possession and control of part of a carrier's lines. When the receivership or trusteeship is terminated, the carrier taking over the properties shall file an adoption notice, and, if a change is also made in the name of the carrier, supplements announcing adoption as prescribed in the foregoing paragraphs of this section.

(7) Notices of adoption should be filed with the Commission immediately, and if possible, on or before the date shown therein. Copies must be sent immediately to each agent or carrier to which power of attorney or concurrence has been given by the adopted carrier. The notice must refer to this section, and its effective date must be the date (as shown in the body of the notice) on which the change in a name or operation occurs. If prior approval of such change is necessary, reference also must be made to the order of the Commission.

(i) *Suspension of tariff schedules.* (1) Upon receipt of an order suspending any tariff or portion thereof, the carrier or agent who filed such tariff shall immediately file with the Commission a supplement, not bearing any effective date, which shall contain a reproduction of the pertinent portions of the Commission's order of suspension (including the paragraph prohibiting changes in the suspended matter), followed by a statement that by reason of the Commission's order (i) the use and application of the suspended publication or portion thereof (which must be identified with certainty) is either indefinitely deferred or deferred for the period prescribed in the Commission's suspension order and (ii) the schedules which were to be changed by the suspended publication (which schedules also must be identified with certainty) will remain in effect and will not be changed so long as effectiveness of the suspended matter is deferred (if deferred only for the term of the Commission's order the date must be specified), except by order or special permission of the Commission.

(2) If the responsible carrier or publishing agent has elected to file a supplement deferring the suspended matter only for the period prescribed by the Commission's order, and if prior to the expiration of that order the Commission notifies the carrier or publishing agent that the report in the proceeding cannot be issued within the suspension period, the carrier or publishing agent may, under the authority of this section, issue a supplement effecting such further deferment. Where suspended matter has previously been deferred under the authority of this section, the carrier or publishing agent when notified by the Commission that the report in the proceeding cannot be issued prior to the date to which the schedules have been deferred, may, prior to the date to which the matter is postponed, issue a supplement under the authority of this section further postponing the effective date of the matter originally suspended. Supplements issued should be filed on statutory notice if practicable and otherwise on shorter notice, but the notice shall be as long as time will reasonably permit and in no event less than one day. Where the effectiveness of matter originally suspended by the Commission has been voluntarily postponed beyond the term of the Commission's order, no change may be made during the period of such voluntary postponement in the tariff matter which was originally held in force by the Commission's suspension order, except by order or special permission of the Commission.

(3) Where, following the entry of a report and order in an investigation and suspension proceeding, a further order is entered in such proceeding postponing the effective date or re-

quirement of the original order, the carrier or publishing agent, under authority of this section, may issue a supplement effecting such further deferment of the suspended schedule, and may also issue supplements to announce postponement of effective date of canceling supplements or cancellation notices filed following the entry of a report and order in an investigation and suspension proceeding to and including a date immediately preceding the effective date fixed in the postponing order. Further, where, pursuant to the provisions of section 17(8) of the Interstate Commerce Act, the filing of an application for rehearing, reargument, or reconsideration, stays the order fixing the effective date of a requirement or other action in an investigation and suspension proceeding, as evidenced by notice of the Commission to the parties, the carrier or publishing agent, under authority of this section, may issue a supplement effecting further deferment of the schedule under suspension or under voluntary postponement, and also may issue a supplement to announce postponement of the effective date of a cancellation supplement or notice that was filed following the entry of the report and order in such investigation and suspension proceeding. (Postponement should be to, and including, the last day of the suspension period prescribed in the suspension order, except where the responsible carrier or publishing agent elects to defer the use of the suspended schedules beyond the statutory period of suspension, in which event postponement should be until the date upon which the supplement announcing such postponement is canceled.) Supplements issued should be filed on statutory notice if practicable, and otherwise on shorter notice, but the notice shall be as long as time will reasonably permit and in no event less than one day.

(4) When the Commission has suspended a supplement in whole or in part, it sometimes occurs that prior to the filing of the supplement announcing suspension, a later supplement is filed which purports to reissue the suspended matter. In such instances the suspension supplement required by paragraph (i)(1) of this section shall also (i) specifically cancel from the later supplement such reissued matter, and (ii) amend the cancellation notice on the title page of said supplement so as to except the suspended matter from the cancellation. Tardiness in filing supplements announcing suspension may result in the rejection by the Commission of the supplement which cancels the suspended matter.

(5) When the Commission suspends an entire tariff, the previous tariff and effective supplements are continued in effect and will remain in force during the period of suspension or until lawfully canceled or reissued. Except as to loose-leaf tariffs and tariffs of less than two pages, supplements containing additions to and/or changes in fares or other provisions which were not sought to be changed by the suspended tariff may be filed to the previous tariff without regard to the volume of supplemental matter which the effective supplements in the aggregate may contain. If the volume of supplemental matter permitted by paragraph (e) of this section has been exceeded under authority of this paragraph and the Commission orders the cancellation of the suspended tariff, the volume of supplemental matter must be brought within the requirements of paragraph (e) of this section by schedule filed within ninety days, or such tariff must be reissued in accordance with the following: If consisting of less than 100 pages, by schedule filed within ninety days, and if consisting of 100 or more pages, by schedule filed within one hundred and twenty days, from date upon which the suspended tariff is canceled.

(6) When the Commission suspends an entire supplement, the supplement will not be counted in the number of supplements nor in the volume of supplemental matter permitted by paragraph (e) of this section; nor in the event of suspension of a portion of a supplement will that supplement be so counted after all matter therein except the suspended portions has been reissued in or canceled by a subsequent supplement. Such subsequent supplement shall cancel the supplement containing the suspended matter "except portions under suspension in I. & S. Docket No.——, viz (identifying

the suspended portion by item and page number)."

(7) When a tariff (not a supplement), any portion of which is under suspension, is canceled, the new tariff may either: (i) Cancel the previous tariff "except portions under suspension in I. & S. Docket No.——, viz (identifying the suspended matter and the matter held in force by the suspension order by item and page number)," or (ii) cancel the previous tariff entirely and bring forward without change the matter held in force by the order of suspension, followed immediately by the matter under suspension. The matter held in force by the order of suspension must be identified as such and shown as expiring with the date to which the suspended matter has been postponed. The suspended matter immediately following must likewise be identified as such and shown as effective on the day following the expiration of the matter held in force by the order of suspension.

(8) When an order of suspension relates to a portion of a new tariff or a supplement thereto, intended to supersede completely a readily identifiable prior tariff item (or other unit), such matter as is continued in effect by the order of suspension may be published (see note following paragraph (i)(9) of this section) in the supplement announcing suspension. When so published the following notation must be provided in connection therewith, either as a note or as the explanation of a reference mark:

> The matter subject to this [note or reference mark as the case may be] is reissued from tariff ICC No.——and is continued in effect by the terms of the order of suspension in I. & S. Docket No.——, and, unless it is sooner canceled, changed or extended, will expire with——. (The date to be shown will be the date to which the suspended matter has been postponed.)

(9) When an order suspends a particular fare or fares or a portion of matter in an item (or other unit) in a new tariff and the matter remaining in effect in a prior tariff thereby becomes an integral part of such item (or other unit) of the new tariff, the entire item (or other unit) of the new tariff may be republished in the supplement announcing the suspension, provided there is shown in such item (or other unit) (i) the matter continued in effect by reason of the order of suspension, (ii) the suspended matter, and (iii) all other provisions of the item (or other unit) without change and appropriately indicated as reissued from the new tariff (see note following this paragraph). The matter held in force by the order of suspension must be identified as such and shown as expiring with the date to which the suspended matter has been postponed. The suspended matter immediately following likewise must be identified as such and shown as effective on the day following the expiration of the matter held in force by the order of suspension. When the effective date of suspended matter has been indefinitely postponed, that fact must be stated by appropriate language.

NOTE: The form of publication permitted by the immediately preceding paragraphs (i)(8) and (9) may be used only when it permits complete cancellation of the tariff containing the matter continued in effect by the order of suspension. It may not be used in loose-leaf tariffs nor where the application of matter continued in effect depends in whole or in part upon other provisions, such as station grouping, rules or regulations, which differ from those in the new tariff and which cannot be brought forward in the supplement announcing suspension.

(10) When a revised (not an original) loose-leaf page, a portion of which is under suspension, is reissued, the new revised page shall (i) include the matter continued in effect by reason of the order of suspension, (ii) cancel the page previously containing such matter, and (iii) cancel the loose-leaf page containing the suspended matter "except portions under suspension in I. & S. Docket No.——, viz. (identifying the suspended portion by item and page number)."

(11) Neither a suspended tariff provision nor a provision held in force by reason of an order of suspension may be changed or canceled except by order or permission of the Commission.

(12) When the Commission vacates an order of suspension, or when suspended matter has been voluntarily postponed beyond the term of the

Commission's order, and the Commission finds the suspended matter justified, a supplement may be filed making the suspended or postponed matter effective on one day's notice unless the Commission directs otherwise.

(13) When an order which suspended a tariff in its entirety is vacated or the Commission formally finds that the suspended tariff is justified, the vacating supplement filed under authority of this section also may include as reissues, any changes or additions which in the interim have been made in the tariff which was held in force by the order of suspension. If by special permission a new tariff has been filed during the period of suspension, canceling the tariff proposed to be canceled by the suspended tariff, any changes or additions published in the new tariff which are not included in the suspended tariff likewise may be included in the vacating supplement as reissued items, but in such cases the vacating supplement also must cancel the new tariff. No other matter may be included in vacating supplements. When reissued matter is published in a vacating supplement, the vacation notice must be printed in not less than 8-point type, either on the title page or immediately preceding the particular tariff matter to which the notice applies.

(14) When a tariff has been canceled, except portions under suspension, by a new tariff, and the Commission vacates its suspension order and/or formally finds the suspended matter justified, after the new tariff has become effective, a supplement may be filed to the new tariff on not less than one day's notice (unless the Commission directs otherwise), republishing and establishing the suspended matter and canceling the matter which was effective during the period of suspension, together with the matter under suspension in the former issue. When the Commission vacates its suspension order and/or formally finds the suspended matter justified before the new tariff becomes effective, a vacating supplement as provided in this section should be filed to the old tariff, and a supplement also should be filed to the new tariff on not less than one day's notice (unless the Commission directs otherwise), establishing therein the matter which was under suspension in the old tariff. A supplement common to both tariffs as authorized by paragraph (f) of this section may be issued for this purpose.

(15) When the Commission suspends matter in a tariff or supplement thereto and thereafter orders its cancellation, the cancellation shall become effective upon not less than one day's notice (unless the Commission directs otherwise), by supplement to or reissue of the tariff. When the Commission orders suspended matter canceled and the final date for compliance is subsequent to the date to which the matter has been postponed, carriers should endeavor to make the cancellation in time to prevent the fares or other provisions which have been found not justified from becoming effective. If this is not done and the suspended matter becomes temporarily effective, it is necessary, when cancellation is effected, to republish and reestablish the matter which was continued in force by reason of the order of suspension.

(16) Every suspension, vacating, and cancellation supplement issued under authority of this section must bear on its title page the following notation:

> Issued under authority of § 1303.8(i) of Tariff Circular 24 and in compliance with decision of the Interstate Commerce Commission in I. & S. Docket No. —— of (date).

Postponement supplements issued under authority of this section must show on the title page:

> Issued upon —— days' notice under authority of § 1303.8(i) of Tariff Circular 24.

(17) Supplements issued under authority of this paragraph will not be counted against number of effective supplements or the volume of supplemental matter permitted under paragraph (e) of this section, but must be listed among the effective supplements as required by paragraph (a)(2) of this section.

(18) The provisions of the foregoing paragraphs of this section relating to suspension, postponement, vacating, and cancellation supplements also will govern in connection with tariffs

issued in loose-leaf form, except that such supplements must not contain any other matter. All changes made in loose-leaf tariffs must be published on revised pages (see § 1303.6).

[32 FR 20541, Dec. 20, 1967, as amended at 43 FR 8534, Mar. 2, 1978]

§ 1303.9 [Reserved]

§ 1303.10 Index of tariffs.

(a) *Tariffs to be included.* (1) Each carrier, except as otherwise provided, shall publish under proper ICC number, post and file, a complete index of all tariffs issued by it or to which it is a party as an initial carrier which are in effect on the date of issue of the index or which have been filed with the Commission to become effective at a later date; except that a carrier which issues not more than five tariffs in its own ICC series need not file an index if such tariffs contain only local fares, rates, and charges, and the rules and regulations applicable in connection therewith.

(2) Tariffs which remain in effect for a period less than thirty days may be omitted from the index.

(3) If the carrier so desires, lists of its intrastate tariffs, division sheets, official, circulars, and the numbers of its tariffs or division sheets may be shown in the index.

(b) *Contents.* (1) The index shall show: ICC number; full or abbreviated name of issuing carrier, tariff-publishing bureau or agent; a brief description of the character of the tariff; a concise statement of the territory from and to which the tariff applies.

(2) The index also shall contain a complete list of the effective tariffs of the carrier's own ICC series arranged in numerical order, except that if the total number of effective tariffs is less than 20, such list may be omitted.

(c) *Joint index.* A carrier may issue for itself and its family lines under proper form of concurrence a joint index. In similar manner, an agent, acting under power of attorney for each of a group of carriers, may issue a joint or consolidated index of tariffs of such carriers. The joint or consolidated index must contain all information for each participating carrier that is required to be shown in a separate index of the carrier's issue.

(d) *Revisions and supplements.* The index shall be revised to reflect changes, either by reissue each three months, or by supplement which need not be issued oftener than every three months and reissue of the index at least every twenty-four months. Supplements must show additions, changes, and cancellations made in the index itself or in prior supplements by reference to the pages, or index number, if used, where the entry is to be added or where the changed or canceled entry appears. Supplements may be issued without regard to volume of supplemental matter permitted by § 1303.8(e), and not more than three supplements may be in effect at any time.

(e) *Notation on title page; no effective date.* The title page of an index (or a supplement thereto) must bear the notation: "This index (or as amended by this supplement) contains list of tariff publications in effect ———————————— (date, the same as date of issue) or which have been filed to become effective at a later date as shown within." The title page shall bear date of issue but no effective date. Section 1303.11(b) requiring thirty days filing notice does not apply to indexes or supplements thereto.

(f) *Consolidated passenger and freight index.* One index containing both passenger and freight tariffs may be filed; in which event, the information required by the regulations governing each type of index must be shown in separate sections, the index must be given an ICC number in both the freight and passenger series, and four copies must be filed with the Commission. The regulations governing the issuing of supplements and reissue of the index applying to the freight tariff index will govern the supplementing and reissue of a passenger and freight tariff index.

§ 1303.11 Filing tariffs; rejections.

(a) *Who may file.* Tariffs shall be published and filed by carriers either directly or through duly authorized tariff-publishing agents. When filed directly by a carrier, the concurrence (or power of attorney as authorized in § 1303.13 (f)), and when filed by an agent, the power of attorney, of every carrier participating therein must be filed or on file with the Commission. (See §§ 1303.12 to 1303.15 inclusive.)

(b) *Agent shall file under own ICC number.* A tariff publishing agent must file tariffs under his (or its) own single series of ICC numbers and not in the series of any of his (or its) principals. If the agent is a corporation or an unincorporated association (see § 1303.12 (a)), having jurisdiction over two or more tariff-publishing organizations, bureaus, or committees, the tariffs issued through each such tariff-publishing organization may bear a separate series of ICC numbers.

(c) *Explanation of missing numbers or letters required.* Tariffs bearing ICC numbers (not standard ICC designations) are required to be numbered consecutively, and tariffs bearing standard ICC designations (not ICC numbers) (see § 1303.37—ICC Numbering Systems) are required to have alphabetical suffixes affixed to the ICC designations when the tariffs are reissues of prior tariffs bearing standard ICC designations. Insofar as possible, tariffs should be filed in such consecutive order. If, for any reason, this is not done, the tariff which is not numbered or lettered in sequence with the tariff last filed must be accompanied by a memorandum explaining why consecutive numbers or letters were not used.

(d) *One filing for all participating carriers.* Tariffs must be filed with the Commission by the issuing carrier or agent, and such filing will constitute filing for all of the carriers parties thereto. The agent or carrier that issues a joint tariff shall at once send copies thereof to each carrier that is named as a party thereto. (See § 1303.34 relating to posting requirements.)

(e) *Conflict between tariffs, avoidance.* A carrier that grants authority to an agent or to another carrier to publish and file certain of its fares or other provisions must not in tariffs of its own issue publish fares or other provisions which conflict with or duplicate those published by such agent or carrier. (See § 1303.4(f)(10).)

(f) *Period of notice.* (1) The act requires that all changes in fares, rates, or charges, or in rules that affect fares, rates, or charges, shall be filed with the Commission at least thirty days before the date they are to become effective unless otherwise authorized by the Commission. Manifestly it is impossible for the Commission to check the contents of tariffs to determine whether statutory notice has been given. Therefore, except as otherwise authorized by the Commission, thirty days' notice to the public and to the Commission must be given as to every tariff publication filed with the Commission, regardless of whether or not changes are effected thereby.

(2) A supplement in which all changes are made on less than statutory notice under authority of this part, special permission or other order of the Commission, and which supplement also contains provisions reissued without change may show on its title page the short notice effective date so authorized for issued matter shows the original effective date. The notation required by the changed matter, provided all reissued matter shows the original effective date. The notation required by § 1303.3(e)(1) must be shown in connection with the effective date on the title page of the supplement.

(g) *Changes, 30 days' effectiveness required; expiration dates.* (1) After notice of a change in fares, rates or other tariff provisions has been published and filed, the new fares, rates or other provisions, unless they can be changed or canceled on or before their published effective date on thirty days' notice, must be allowed to go into effect, and fares, rates, or other provisions which have become effective cannot be changed or canceled for at least thirty days after their effective date, except as otherwise authorized by rule, decision or order of the Commission.

(2) A tariff or a part thereof may provide that it will expire with a date specified therein and which is at least thirty days subsequent to the date upon which it becomes effective, and this will be legal notice of the cancel-

lation of such tariff or part of a tariff, except that the expiration date of a tariff or a part thereof issued under authority of §§ 1303.22 and 1303.25 may be less than thirty days subsequent to the date upon which it becomes effective.

(3) A tariff or a part thereof which provides that it will expire upon a specified date may be amended in the regular way and upon lawful notice, even though such amendment will not remain in effect for thirty days prior to the date of expiration.

(h) *Liability of carrier not relieved by filing of tariffs.* The law affirmatively imposes upon each carrier the duty of filing with the Commission and posting for public inspection all of its tariffs and amendments thereto in the manner prescribed in the act or in any rule which may be promulgated by the Commission. A penalty is provided for failure to do so or for using any fare or charge which is not contained in its lawfully filed tariffs. The receipt and filing of a tariff or supplement does not relieve the carrier from liability for violation of the act or of regulations issued thereunder.

(i) *Promulgation of fares prescribed by Commission.* (1) Fares, rates, charges, rules or regulations prescribed by the Commission in its decisions and orders in formal cases shall be promulgated by the carriers against which such orders are entered, in duly published and posted tariffs, loose-leaf pages, or supplements, and notice shall be sent to the Commission that its decision (or order) in Docket No. ———, has been complied with in item ——— page ———, of ——— tariff, ICC No. ——— or supplement No. ——— to ——— tariff, ICC No. ———.

(2) Unless otherwise specified in the decision or order in the case, such tariff, loose-leaf page, or supplement must be made effective upon statutory notice to the Commission and to the public. Whether made effective on less than statutory notice under special permission authority granted in the decision or order in the case, or upon statutory notice, when an entire tariff or supplement is issued in compliance with a decision or order, such tariff or supplement shall bear on its title page the notation "In compliance with decision (or order) of Interstate Commerce Commission in Docket No. ———." Whenever possible, the notation should include reference to the volume and page number of the report of the Interstate Commerce Commission. If the decision or order of the Commission affects only portions of the tariff or supplements, the notation shall be shown in connection with each portion so affected.

(j) *Number of copies; address.* (1) Two copies of each tariff shall be filed with the Commission, both copies to be filed together under one letter of transmittal. They must be addressed to the Interstate Commerce Commission, Washington, D.C. 20423, with the envelope marked as containing "Tariffs."

(2) No tariff will be received by the Commission unless it is delivered to it free of all charges, including claims for postage.

(k) *Letter of transmittal.* (1) All tariff publications filed with the Commission shall be accompanied by a letter of transmittal 8 × 10½ inches in size, in form substantially as follows:

[Correct name of carrier]

[Post Office Address]

————————————
(Date)

Transmittal No. ————

To the Interstate Commerce Commission, Washington, D.C. 20423.

Accompanying schedule is sent you for filing in compliance with the requirements of the Interstate Commerce Act, issued by ————, and bearing tariff———— ICC ——; Supp.——to ICC——; ——Revised Page———to ICC———; effective———, 19———; and is concurred in by all carriers named therein as participants under continuing concurrences or authorizations now on file with the Interstate Commerce Commission, except the following-name carriers, whose concurrences are attached hereto:

————————————————————

————————————————————

————————————
(Signed)

————————————
(Title)

(2) A separate letter may accompany each schedule, or the form may be modified to provide for filing under one letter as many schedules as can be conveniently entered. In filing blanket supplements a copy of the blanket, supplement may be attached to the letter of transmittal as a part thereof in lieu of listing in the body of the letter of transmittal each supplement and tariff supplemented. When this is done, the statement "(See exhibit attached)" should be inserted in the body of the letter of transmittal where supplement numbers usually are listed. Separate letters must be used for freight and passenger schedules. If receipt for accompanying schedule is desired, the letter of transmittal must be sent in duplicate, and one copy showing the date of receipt by the Commission will be returned to the sender.

(l) [Reserved]

(m) *Rejection of tariffs or notices of revocation.* (1) Any tariff or schedule tendered for filing, which fails to give lawful notice of changes in fares, rates, charges, or other provisions which it proposes to establish, or which fails to meet the requirements of the regulations, contained in this part, or violates any order of the Commission or of a court, is subject to rejection by the Commission. When a tariff or schedule is rejected, the Commission, acting through a designated administrative officer, will inform the carrier or the agent who tendered it for filing, in writing, of the reasons for rejection, and will return the rejected tariff or schedule to such carrier or agent.

(2) The number assigned to the tariff or schedule that has been rejected may not again be used. The rejected tariff or schedule may not be referred to in any subsequent tariff or schedule as having been canceled, amended or withdrawn, but the tariff or schedule that is published in its stead must bear the following notation: "Issued in lieu of (here identify the rejected schedule or tariff), rejected by the Commission."

(3) A notice of the revocation, complete or partial, of a conference or power of attorney which, if it were to become effective, would require the establishment of fares, rates, or charges in violation of an order of the Commission or of a court, or of the regulations contained in this part, may be rejected in the same manner as a tariff or schedule, and any such notice of revocation which would require the establishment of fares, rates, or charges of doubtful lawfulness may be suspended.

(n) *Tariffs filed not returned, unless rejected.* Tariff publications received for filing will not be returned unless rejected in accordance with paragraph (m) of this section.

[32 FR 20541, Dec. 20, 1967, as amended at 43 FR 8534, Mar. 2, 1978]

§ 1303.12 Tariffs issued through an agent.

(a) *Agents: Natural persons, corporations, or associations.* If a carrier desires to issue a tariff or tariffs through an agent, it may do so by filing with the Commission an appropriate power of attorney to the designated agent. Agents may be either natural persons, corporations, or unincorporated associations whose articles of association (or other form of agreement) have been approved by the Commission in a proceeding pursuant to the provisions of section 5a, Part I, of the Interstate Commerce Act. An officer or employee of an incorporated tariff-publishing agent may not act as an agent in his individual capacity for the publication of tariffs.

(b) *Designation of issuing officer.* When an association or corporation has been appointed an issuing agent, the executive head thereof shall at once notify the Commission of the name of the individual who is to be responsible for the actual compilation and filing of each ICC series of tariffs issued by the agent. There may be only one issuing officer for each such series of tariffs, and the same individual may not act as issuing officer for more than one series without the special permission of the Commission. When an issuing officer is replaced, the Commission shall be immediately notified in like manner of his successor.

(c) *Alternate agent.* When a natural person is authorized by power of attorney to act as a tariff-publishing agent, such instrument shall designate another natural person to act as alternate agent in the event of the death or disability of the principal agent. On or before the date of filing of the first tariff or supplement by the alternate agent under the authority granted in the instrument, such alternate agent shall notify the Commission in writing that death or disability of the principal agent has occurred and that he, the alternate agent, will thereafter act until the appointment of a new principal agent. The term "disability" as used in the instrument means resignation, permanent transfer to other duties, or other permanent absence of the principal agent. After an alternate agent has once exercised the authority granted by the instrument, the principal agent may not thereafter act under that instrument.

§ 1303.13 Powers of attorney.

(a) *Publishing agent.* (1) A power of attorney shall be used by a carrier to give to a publishing agent, but not to another carrier, authority to publish and file passenger tariffs and supplements for it, except that a carrier may give a power of attorney to another carrier in the circumstances and subject to the conditions stated in paragraph (f) of this section. Powers of attorney given to publishing agents may be either unlimited or limited, and in the case of corporations or unincorporated associations comprised of more than one bureau, committee or regional organization, the power of attorney may consist of multiple instruments, such instruments to define separately the authority to be exercised by each component bureau, committee or regional organization.

(2) A carrier may not have in effect at the same time an unlimited power of attorney and a limited power of attorney in favor of the same agent, for use by the same bureau, committee, or regional organization.

(b) *Unlimited power of attorney form.* (1) An unlimited power of attorney, when given to a publishing agent, authorizes the agent to file any passenger tariff in which the carrier giving the power is a participating carrier. Form PA1 confers unlimited authority to publish local fares and charges for the carrier issuing the power and to publish joint fares and charges for such carrier and such other carriers as have issued the necessary authority.

(2) The following form of power of attorney, PA1, shall be used to give such unlimited powers:

POWER OF ATTORNEY

PA1 No.——
Cancels——No.——

____
(Name of Carrier)

____
(Mail Address)

____
(Date)

Know All Men by These Presents:

That the [full and correct name of carrier] has made, constituted, and appointed, and by these presents does make, constitute, and appoint [name of principal agent] its true and lawful attorney and agent, to file in its name, place, and stead, (1) for it alone, and (2) for it jointly with other carriers [through its (name of bureau, committee, or regional organization, if any)], passenger tariffs and supplements thereto, as required of common carriers by existing laws and regulations established thereunder. And does hereby give and grant unto its said attorney and agent full and unlimited power and authority to do and perform all and every act and thing above specified as fully, to all intents and purposes, as if the same were done and performed by the undersigned carrier itself, and does hereby assume full responsibility for the acts and failures to act of said attorney and agent.

And, further, that the undersigned carrier does hereby make and appoint [name of alternate agent] alternate attorney and agent to do and perform the same acts and exercise the same authority herein granted to the principal agent in the event and only in the event of the death or disability of the above-named principal agent.

____
(Name of Carrier)

By ____________________
Its ____________________
(Title)

Duplicate mailed to:
(Name of Agent)
(Address)

(c) *Limited power of attorney form.* (1) A power of attorney may be limited in any appropriate manner provided the limitations are specifically and unambiguously expressed in the instrument. For example, the agent may be authorized to publish only local fares, only joint fares, only specified rates and charges, or fares and charges in a specified territory, or only specified tariffs or types of tariffs.

(2) The following power of attorney, Form PA2, shall be used to give such limited authority:

POWER OF ATTORNEY

PA2 No.——
Cancels——No.——

____
(Name of Carrier)

____
(Mail Address)

____
(Date)

Know All Men by These Presents:

That the [full and correct name of carrier] has made, constituted, and appointed and by these presents does make, constitute and appoint [name of principal agent] its true and lawful attorney and agent, to file in its name, place, and stead, (1) for it alone, and (2) for it jointly with other carriers [through its (name of bureau, committee, or regional organization, if any)], passenger tariffs and supplements thereto and successive reissues thereof, as required of common carriers by existing laws and regulations established thereunder, but only as hereinafter specified:

____
(Here specify affirmatively the precise authority given to the agent)

And does hereby give and grant unto its said attorney and agent full power and authority to do and perform all and every act and thing above specified as fully, to all intents and purposes, as if the same were done and performed by the undersigned carrier itself, and does hereby assume full responsibility for the acts and failures to act of said attorney and agent.

And, further, that the undersigned carrier does hereby make and appoint [name of alternate agent] alternate attorney and agent to do and perform the same acts and exercise the same authority herein granted to the principal agent in the event and only in the event of the death or disability of the above-named principal agent.

____
(Name of Carrier)
By ____________________
Its ____________________
(Title)

Duplicate mailed to:
(Name of Agent)
(Address)

(d) *Manner of execution.* (1) In the blank space for the name of the carrier in Forms PA1, PA2, and PA3, there must be shown, if the carriers is an individual, the individual name followed by the trade name, if any. If the carrier is a partnership, the correct names of all partners must be given followed by the trade name, if any. If the carrier is a corporation, the correct corporate name must be used.

(2) If the carrier is an individual, the power of attorney must be signed by the individual. If a partnership, the power of attorney must be signed individually by each partner. If the carrier is a corporation, the power of attorney must be signed by the president, a vice president, or any other authorized official of the carrier. However, before the signature of an employee other than the president or a vice president on a power of attorney will be recognized by the Commission, the carrier must file with the Commission, over the signature of the president or a vice president, a statement reciting that the individual is authorized to sign powers of attorney. The statement must include a specimen signature of the individual or individuals so designated. The authority to sign powers of attorney may be conferred, in the manner described, on more than one official of the carriers. If the carrier is being operated by trustees or receivers, the power of attorney must be signed by each trustee or receiver individually or by his or their designee. Trustees or receivers may invest others with the authority to sign in the same manner as the president or vice president of a corporation may confer the authority on subordinate officials.

(3) If the agent appointed by either PA1 or PA2 is a corporation or an un-

incorporated association, the last full paragraph of the form shall be omitted.

(e) *Joint agents.* If an agent does not hold the requisite authority to publish a particular tariff, the authority to do so may be obtained by pooling the authority held by him with that held by one or more other agents, and the tariff may be published jointly by both or all such agents in the ICC series of each. For example, if one agent has authority to publish fares only from territory A to territory B, and another agent has authority to publish fares only from territory B to territory A, the fares may be published in a single tariff on a "between" basis and filed with the Commission as a joint tariff of both agents under the ICC series of each.

(f) *Carrier acting for another carrier.* (1) A power of attorney may be given by small carriers to large carriers with which they connect, or by subsidiary to parent carriers, authorizing the large or parent carriers to publish tariffs, to give and receive concurrences, and to give powers of attorney to agents, all in behalf of the small or subsidiary carrier. The authority granted may be unlimited, as in the form which follows (Form PA3), or it may be limited in any appropriate manner, provided the limitations are specifically and unambiguously expressed in the instrument. When a PA3 form of power of attorney has been given, the granting carrier may not thereafter do in its own behalf anything which it has authorized the grantee carrier to do in its stead. Concurrences and powers of attorney given by the grantee carrier, however, will be deemed to be given on its own behalf only, unless the instrument expressly recites that it is given or is also given, in behalf of the carrier for which it holds power of attorney. When a PA3 form of power of attorney authorizes the grantee carrier to publish and file tariffs in which the granting carrier is a participant, the grantee carrier need not give a concurrence to itself in behalf of the granting carrier.

(2) The following form of power of attorney, Form PA3, shall be used by a carrier to give authority to another carrier. When the authority is to be limited in any way, the form should be altered to the extent necessary.

POWER OF ATTORNEY

PA3 No.——
Cancels——No.——

____
(Name of Carrier)

____
(Mail Address)

____
(Date)

Know All Men by These Presents:

That the [name of granting carrier] has made, constituted, and appointed, and by these presents does make, constitute, and appoint [name of grantee carrier] its true and lawful attorney and agent (1) to issue in its name, place and stead powers of attorney to tariff-publishing agents, (2) to give and receive in its name, place and stead concurrences in tariffs of other carriers, and (3) to publish and file, or cause to be published and filed, passenger tariffs and supplements thereto and successive reissues thereof, in which the undersigned carrier is a participant, all as required of common carriers by existing laws and regulations established thereunder. And the undersigned carrier does hereby give and grant unto its said attorney and agent, full, sole and exclusive power and authority to do and perform all and every act and thing above specified for and on behalf of the undersigned carrier as fully, to all intents and purposes, as if the same were done and performed by the undersigned carrier itself, and does hereby assume full responsibility for the acts and failures to act of its attorney and agent.

____
(Name of Carrier)

By ______________
Its ______________
(Title)

Duplicate mailed to:
(Name and Title of Officer)
(Name of Carrier)
(Address)

§ 1303.14 Concurrences.

(a) A carrier desiring to become a participant in a tariff or tariffs issued by another carrier (not by an agent may do so by filing with the Commission a limited or unlimited concurrence (except as provided in § 1303.13(f)) in one of the four following forms. In forms PC2 and PC4 the limitations must be specifically and unambiguously expressed.

(1) Form PC1, which follows, is unlimited and covers all passenger tariffs applying on traffic moving from, to, via or at points on the line of the carrier giving the concurrence:

CONCURRENCE

PC1 No.——
Cancels——No.——

____
(Name of Carrier)

____
(Mail Address)

____
(Date)

To the Interstate Commerce Commission, Washington, D.C. 20423.

This is to certify that [name of carrier issuing concurrence] assents to and concurs in all passenger tariffs and supplements thereto, filed by [name of carrier to which concurrence is given] in which the undersigned carrier is shown as a participant, and the undersigned carrier hereby makes itself a party thereto and bound thereby insofar as such tariffs apply from, to, via or at points on its lines, until this authority is revoked by formal notice of revocation filed with the Interstate Commerce Commission and sent to the carrier to which this concurrence is given.

____
(Name of Carrier)

By ______________________
Its ______________________
(Title)

Duplicate mailed to:
(Name and Title of Officer)
(Name of Carrier)
(Address)

(2) Form PC2 covers passenger tariffs applying on limited but affirmatively specified traffic moving from, to, via, or at points on the line of the carrier giving the concurrence. The form follows:

CONCURRENCE

PC2 No.——
Cancels——No.——

____
(Name of Carrier)

____
(Mail Address)

____
(Date)

To the Interstate Commerce Commission, Washington, D.C. 20423.

This is to certify that [name of carrier issuing concurrence] assents to and concurs in all passenger tariffs and supplements thereto, filed by [name of carrier to which concurrence is given] in which the undersigned carrier is shown as a participant, but only to the extent that such tariffs apply:

(Here affirmatively state the limitations, such as designating the points to and/or from and/or at which, the limited territory within which, or the specific publication(s) or series of tariffs to which, the concurrence shall be applicable.)

And the undersigned carrier hereby makes itself a party thereto and bound thereby insofar as such tariffs apply from, to, via or at points on its lines, until this authority is revoked by formal notice of revocation filed with the Interstate Commerce Commission and sent to the carrier to which this concurrence is given.

____
(Name of Carrier)

By ______________________
Its ______________________
(Title)

Duplicate mailed to:
(Name and Title of Officer)
(Name of Carrier)
(Address)

(3) Form PC3 is restricted to passenger tariffs applying on traffic moving to points on or via the line of the carrier giving the concurrence but is not otherwise limited. The form follows:

CONCURRENCE

PC3 No.——
Cancels——No.——

____
(Name of Carrier)

____
(Mail Address)

____
(Date)

To the Interstate Commerce Commission,
Washington, D.C. 20423.

This is to certify that [name of carrier issuing concurrence] assents to and concurs in all passenger tariffs or supplements thereto filed by the [name of carrier to which concurrence is given] in which the undersigned carrier is shown as a participant, and hereby makes itself a party thereto and bound thereby, insofar as such tariffs or supplements contain rates or other provisions applying via its lines and to, but not from or at, points thereon, until this authority is revoked by formal notice of revocation filed with the Interstate Commerce Commission and sent to the carrier to which this concurrence is given.

____
(Name of Carrier)
By ______________________________
Its ______________________________
(Title)

Duplicate mailed to:
(Name and Title of Officer)
(Name of Carrier)
(Address)

(4) Form PC4, which follows, covers passenger tariffs applying on limited but affirmatively specified traffic moving to points on or via the line of the carrier giving the concurrence.

CONCURRENCE

PC4 No.——
Cancels——No.——

____
(Name of Carrier)

____
(Mail Address)

____
(Date)

To the Interstate Commerce Commission
Washington, D.C. 20423.

This is to certify that [name of carrier issuing concurrence] assents to and concurs in all passenger tariffs or supplements thereto filed by [name of carrier to which concurrence is given] in which the undersigned carrier is shown as a participant, but only to the extent that such tariffs apply:

(Here affirmatively state the limitations, such as designating the points to or the lines over which, the limited territory within which, or the specific publication(s) or series of tariffs to which, the concurrence shall be applicable)

And the undersigned carrier hereby makes itself a party to such tariffs and bound thereby insofar as such tariffs or supplements contain fares or other provisions applying via its lines and to, but not from or at, points thereon, until this authority is revoked by formal notice of revocation filed with the Interstate Commerce Commission and sent to the carrier to which this concurrence is given.

____
(Name of Carrier)
By ______________________________
Its ______________________________
(Title)

Duplicate mailed to:
(Name and Title of Officer)
(Name of Carrier)
(Address)

(b) Concurrences shall be personally signed by any official of the issuing carrier.

(c) If a carrier has been authorized by power of attorney to issue concurrences in behalf of one or more small or subsidiary carriers (see § 1303.13(f)), the carrier holding such authority may by a single instrument issue a concurrence in its own behalf and in behalf of any or all of such small or subsidiary carriers.

§ 1303.15 Filing of powers of attorney and concurrences.

(a) If a power of attorney or concurrence is issued subsequent to the date of the filing of the tariff with the Commission, the original instrument shall be forwarded directly to the Commission with a copy to the issuing agent or carrier, but if it is issued prior to or concurrently with the issuance of the tariff, the original instrument may either be forwarded directly to the Commission, or it may be sent to the carrier or agent issuing the tariff and be transmitted by it or him to the Commission with the tariff. (For exceptions see §§ 1303.17 and 1303.18.)

(b) Powers of attorney, concurrences, amendments thereto and revocation notices shall be printed or typed on paper of good quality, 8 x 10½ inches, and must show the date on which they are issued. Each power of attorney and concurrence shall bear a form and serial number, the serial numbers to run consecutively for each form of instrument. Concurrences issued by a carrier jointly in its own behalf and in behalf of one or more other carriers (see § 1303.13(f)), may, if desired, be issued under a separate series of numbers. The form and serial numbers shall be shown on the upper right-hand corner, and immediately thereunder shall be shown the form and number of the power of attorney or concurrence, if any, which is canceled thereby. If the instrument to be canceled contains more authority or is broader in scope than the new instrument, such new instrument must in addition to the date of issue, bear an effective date at least 60 days after the date on which it is received by the Commission. When the new instrument is the same or broader in scope than the instrument which it cancels, it becomes effective when filed with the Commission. The instrument also shall show, in the lower left-hand corner, the name, title and address of the person to whom the duplicate is sent.

§ 1303.16 Certificate stating correct name of carrier to be filed.

When a corporate or partnership carrier files its first tariff, power of attorney or concurrence, it also shall file a certificate stating the precisely correct name of the carrier as it appears in the charter or articles of incorporation, or in the articles of co-partnership, as the case may be. If, for example, the article "The" is a part of the carrier's name, if the conjunction "and" appears therein as "&", or if the word "Company" is abbreviated to "Co.", the certificate must so indicate.

§ 1303.17 Transfer of authority from one agent to another agent.

(a) When it is desired to transfer authority from one agent to another agent superseding the former agent as to all such agent's effective tariffs, the transfer shall be accomplished by filing a new power of attorney naming the agent (and alternate when the new agent is a natural person) thereafter to serve, which shall specifically cancel the previous instrument or instruments, by including the following in the power of attorney to the new agent:

This power of attorney cancels the following power(s) of attorney:

Power of attorney form and number	In favor of
(Insert power of attorney forms and numbers)	(Insert name of agent and alternate)

(b) Under all other conditions the power of attorney must be revoked in accordance with § 1303.21(b).

(c) The originals of such powers of attorney shall not be sent immediately to the Commission, but shall be forwarded to the new agent, who, after all the necessary instruments shall have been secured, shall file all of the originals with the Commission at one time. The new agent may file no tariffs with the Commission until the powers of attorney from all of the carriers shown therein as participants have been so filed.

§ 1303.18 Procedure when one publishing agent succeeds another.

(a) When powers of attorney have been issued to a natural person and his alternate, and death or disability of either the principal agent or the alternate occurs, new powers of attorney shall be filed with the Commission within 180 days, canceling the previous instruments and designating the new agent (and also his alternate if the new agent is a natural person) thereafter to serve. If the filing of the new instruments is occasioned by the death or disability of the former alternate, the new instruments may, if desired, continue the former principal agent and designate a new alternate only. Likewise if death or disability of the principal agent has occurred it is permissible to continue the former alternate agent in the new instruments and designate a new principal agent only. As soon as the instruments appointing the new agent are filed the alternate agent who in the interim has acted may no longer do so. The new powers of attorney shall not be forwarded directly to the Commission, but shall be collected by the new agent and forwarded to the Commission together, as provided in § 1303.17. The new agent may not file a tariff for any carrier until that carrier's power of attorney to him is on file with the Commission.

(b) In the first amendment to each tariff issued by the alternate agent after the death or disability of the principal agent, there shall be shown a statement reading substantially as follows: "On and after (show here the date on which the principal agent ceased to act) this publication shall be considered as the issue of ————————, Alternate Agent".

(c) A new agent, on or after the filing of his or its authorities, shall include in the next supplement to each of the effective tariffs previously taken over by the alternate agent a statement reading substantially as follows: "On and after (show here the date on which the new authorities are filed with this Commission), this publication shall be considered as the issue of ————————, Agent".

§ 1303.19 ICC numbers of tariffs issued by a new agent or alternate agent.

Tariffs issued by a new agent may be, and those issued by an alternate agent must be, numbered in the ICC series of the former agent. If it is desired to number the tariffs of a new agent in a different ICC series, this may be done as to new or reissued tariffs, but amendments (supplements or revised pages) to tariffs issued by the former agent must be continued in the original series.

§ 1303.20 Powers of attorney and concurrences in special situations.

(a) *Joint concurrences.* If joint concurrences are issued in behalf of two or more carriers by the same tariff officer, all concurrences in each series must be issued on behalf of all such carriers, except as to concurrences interchanged between those carriers. If concurrences in a single series are issued separately for different carriers, separate files in favor of a carrier which has discontinued that series must be maintained for each carrier, and concurrences of each carrier must be issued in consecutive numerical order as required by § 1303.15(b).

(b) *When operation discontinued or taken over by another carrier.* Powers of attorney and concurrences issued in operations should be revoked within 120 days after such discontinuance. If its operations have been taken over by another carrier, all effective powers of attorney and concurrences should be canceled within 120 days either by new issues or revocation notices.

NOTE: This rule applies, among other situations, when an incorporated carrier is placed in the hands of trustees or receivers and is thereafter reorganized. When trustees or receivers are appointed they normally assume, and the corporation discontinues, operations; and thereafter, following reorganization, operations again pass from the receivers or trustees to the reorganized corporation.

(c) *Forms for tariffs joint with motors.* Powers of attorney and concurrences authorizing the publication of joint rail-motor of water-motor tariffs and supplements shall be issued on the standard PA and PC forms described in §§ 1303.13 and 1303.14.

§ 1303.21 Amendment and revocation of powers of attorney and concurrences.

(a) *Amendments.* (1) A power of attorney on Form PA2 or PA3 or a concurrence on Form PC2 or PC4 may be amended by issuing an "Amendment to Power of Attorney," or "Amendment to Concurrence," respectively. However, only four amendments to any one power of attorney or concurrence will be permitted. The amendment must specify with particularity the exact change in the scope of the powers of the authority conferred, by appropriate reference by number to the power of attorney or concurrence affected, by identification by ICC and agent's or carrier's number of the tariff or tariffs affected, and by a detailed description of the traffic or territory affected.

(2) If an amendment to a power of attorney or to a concurrence reduces the scope of the original instrument, such amendment must bear in addition to the date of issue, an "effective" date at least 60 days after the date on which it is received by the Commission. If the amendment adds to or increases the scope of the original power of attorney or concurrence, no notice is required and it becomes effective when filed with the Commission. (See paragraph (e) of this section.)

(i) The form of an "Amendment to Power of Attorney" is as follows:

AMENDMENT TO POWER OF ATTORNEY

Amendment No. ——
To PA —— No. ——

____
(Name of Carrier)

____
(Mail Address)

____
(Date)

Know All Men by These Presents:

Effective ————, (Date) the undersigned hereby amends the above-numbered power of attorney, in the following respects:

____

____
(Name of Carrier)

By ______________________
Its ______________________
(Title)

Duplicate mailed to:
(Name of Agent or Carrier)
(Address)

(ii) The form of an "Amendment to Concurrence" is as follows:

Amendment No. ——
To PC —— No. ——

____
(Name of Carrier)

____
(Mail Address)

____
(Date)

To the Interstate Commerce Commission,
Washington, D.C. 20423.

The undersigned hereby amends PC — No. — in the following respects:

____

____

____
(Name of Carrier)

By ______________________
Its ______________________
(Title)

Duplicate mailed to:
(Name of Carrier)
(Address)

(b) *Revocations.* A power of attorney or a concurrence may be revoked upon not less than 60 days' notice by filing a Notice of Revocation with the Commission and serving at the same time a copy thereof on the agent, in the case of powers of attorney on Forms PA1 and PA2, or on the carrier in whose favor the instrument was executed, in the case of concurrences or powers of attorney on PA3. Such notice shall not bear a separate serial number, but shall specify the form and number of the power of attorney or the form and number of the concurrence, to be revoked, shall name the agent, and alternate agent, if any, or the carrier, in whose favor the instrument was executed, and shall specify a date upon which revocation is to become effective. (See paragraph (e) of this section.)

(c) *Corresponding revision of tariff.* When a power of attorney or concurrence is revoked, corresponding revision of the tariff or tariffs must be made not later than the effective date stated in the notice of revocation. If the tariff or tariffs are not so amended, the fares, rates, and other provisions therein remain effective and must be protected by the carrier or carriers responsible for their continued maintenance.

(d) *Forms for revocations.* Revocation notices shall be in one of the following forms, as appropriate:

REVOCATION NOTICE

(Power of Attorney)

____
(Name of Carrier)

____
(Name of Carrier)

____
(Date)

Know All Men by These Presents

Effective ———— (Date), power of attorney PA — No. —, issued by ———— ———— (Name of carrier issuing power of attorney) in favor of ———————— (Name of carrier, or agent (and alternate) if any) is hereby canceled and revoked.

____
(Name of Carrier)

By ______________________
Its ______________________
(Title)

Duplicate mailed to:
(Name of Agent or Carrier)
(Address)

REVOCATION NOTICE

(Concurrence)

————————————
(Name of Carrier)

————————————
(Mail Address)

————————————
(Date)

To the Interstate Commerce Commission, Washington, D.C. 20423.

Effective ————, (Date) concurrence PC — No. —, issued by ———— ———————— (Name of carrier issuing concurrence), in favor of ————————————, (Name of carrier) is hereby canceled and revoked.

————————————
(Name of Carrier)

By ————————————
Its ————————————
(Title)

Duplicate mailed to:
(Name of Carrier)
(Address)

(e) *Amendment or revocation, manner of execution.* (1) An amendment to, or a revocation of, a power of attorney shall be executed in the same manner as powers of attorney, and a statement of the kind specified in § 1303.13(d) shall be filed with the Commission to designate persons authorized to sign such amendments or revocations. The statement filed in accordance with § 1303.13(d) may include in the one instrument designations and specimen signatures of persons authorized to sign powers of attorney, amendments to powers of attorney, and revocations of powers of attorney.

(2) An amendment to, or a revocation of, a concurrence shall be executed in the same manner as concurrences. (See § 1303.14(b).)

§ 1303.22 Round-trip excursion fares.

(a) *10-day limit or less.* Round-trip excursion fares limited to a designated period of not more than 10 days may be established upon posting a tariff one day in advance of the effective date at the stations where tickets for such excursion will be sold and mailing two copies thereof to the Commission.

(b) *Over 10- but not over 30-day limit.* Round-trip fares for an excursion limited to a designated period of more than 10 days and not more than thirty days may be established upon posting a tariff three days in advance of the effective date at the stations where tickets for such excursion will be sold and mailing two copies to the Commission.

(c) *"Designated period" defined.* The term "designated period" used in this section means the period beginning with the first day on which the transportation can be used and ending with, and including, the day upon which the return trip must be completed.

(d) *Series of excursion fares in one tariff.* A series of temporary round-trip excursion fares limited for designated periods as set forth in paragraphs (a) and (b) of this section, the effectiveness of which extends over a period exceeding thirty days but not more than one year, may be published in the same tariff and established as provided in paragraph (b) of this section as to certain of the fares and accompanying provisions, and on statutory notice as to the remainder. For example, tariff is filed with the Commission, March 2, to be effective March 7, 14, 21, 28, April 4, 11, 18, and 25, with final return limit of eight days in addition to date of sale. From March 7 to final return limit of ticket sold April 25 is 58 days. In connection with the sale dates of March 7, 14, 21, and 28, the tariff must indicate by appropriate symbol that insofar as it is effective on those dates it is issued under authority of this section. The tariff insofar as it is effective on the dates of April 4, 11, 18 and 25, is filed on statutory notice, and no notation to that effect is necessary.

(e) *Supplement permitted: changes in tariff.* (1) No supplement may be issued to a tariff filed under authority of paragraph (a) of this section except for the purpose of canceling the tariff, and the title page must so state.

(2) A tariff issued under authority of paragraphs (b) and (d) of this section may have only one supplement in effect at one time.

(3) Changes in tariffs of two or more pages issued under authority of paragraphs (b) and (d) of this section may be made in the manner provided in paragraphs (e)(4) and (5) of this section for the following purposes:

(i) Change or add dates of sale; but the effectiveness of a tariff, as amended, issued under authority of paragraph (d) of this section shall not extend over a period exceeding one year.

(ii) Extend return limit.

(iii) Add selling stations or destinations, routes, or privileges.

(iv) Reduce fares.

(4) Changes specified in paragraph (e)(3) of this section in a tariff issued under authority of paragraph (b) of this section may be established by supplement to the tariff in the same manner as authorized in said paragraph (b) for the tariff.

(5) Changes specified in paragraph (e)(3) of this section in tariffs issued under authority of paragraph (d) of this section may be made by supplement, or reissue of the tariff, by filing and posting such changes not later than three days before they are to become effective.

(f) *Title page notation.* Each tariff or supplement issued under authority of this section must bear the notation on its title page, "Issued under authority of § 1303.22 of Tariff Circular 24."

§ 1303.23 Fares in special car or train service.

(a) *Between competitive points.* In order to avoid maintenance of fares between rail-competitive points for application over routes infrequently used because of limited, or absence of, passenger train service, tariffs of one-way fares, subject to a three-day period of sales in each case and applicable only to movements of passengers by special car or special train service, may be filed and posted on one day's notice: *Provided,* That each such fare is the same as a fare on file with the Commission and in effect over another rail route. *And provided further,* That the fares filed under authority of this paragraph may not apply over any route which exceeds 135 percent of the short-line passenger mileage from origin to destination.

(b) *From and to local points.* From and to points on one railroad, when origin or destination is a local point, or when both origin and destination are local points, on that railroad, from and to which no regular passenger train service is operated and no fares are published, tariffs of one-way fares, subject to a three-day period of sales and restricted only to movements of passengers by special car or special train service, may be filed and posted on one day's notice, provided that each such fare is on the same basis as the carrier's oneway fares of the same class regularly maintained from and to other points on its line in the same territory.

(c) *Title page notation.* Publication issued under authority of this section shall bear on the title page the following notation. "Issued on one day's notice under authority of § 1303.23 of Tariff Circular 24."

§ 1303.24 Newly inaugurated regular sleeping-car or parlor-car service.

Rates and charges, including those for additional occupancy at termini or at stations en route for newly inaugurated regular service in sleeping cars or parlor cars, to and from points to and from which no rates and charges are in effect, may be filed and posted on one day's notice, provided such rates and charges are on the same basis as those of the carrier for the same type accommodations regularly maintained from and to other points in the same territory. Provisions published under authority of this section must contain a notation in connection therewith reading as follows: "Issued on one day's notice under authority of § 1303.24 of Tariff Circular 24."

§ 1303.25 Temporary rates for sleeping cars or parlor cars.

(a) A tariff containing temporary rates and charges for sleeping car and/or parlor car accommodations effective for a period not exceeding four months may be made effective upon posting one day in advance of the effective date at the stations where tickets for such accommodations will be sold and mailing two copies thereof to the Commission, subject to the following conditions:

(1) Rates and charges in such tariff shall apply only to transportation in (i) a through car in special service (see note, paragraph (a)(2) of this section) from and to points between which, or over routes over which, no through service is maintained and no through rates are in effect, or (ii) a through car in special service (see note) in which the privilege of stopover, side trip, or additional occupancy at termini or at stations en route is permitted and the charges therefor are explicitly shown.

(2) Rates in such tariff shall be (i) the same as on file with the Commission and in effect from and to the same points over another rail route, (ii) either the lowest sum of intermediate rates from origin to destination over the route of movement or over another rail route, or (iii) on the same basis as rates of the carrier from and to other points in the same territory.

NOTE: As used in this section, "through car" means a car which moves through from origin to destination from and to which the fares and/or charges apply; and "special service" means sleeping-car or parlor-car service other than that ordinarily offered in regularly scheduled trains.

(b) Tariffs issued under authority of this section may be in a separate series of ICC numbers, and each tariff must bear on its title page the notation, "Issued under authority of § 1303.25 of Tariff Circular 24."

§ 1303.26 Newly constructed lines of railroad and newly established service by water carriers.

(a) *Notice.* Charges applicable at, and fares, rates, charges, rules and regulations applicable from and to points on newly constructed lines of railroad, including branches and extensions of existing railroads, or ports reached by water carrier when new water-carrier service has been inaugurated, may be established in the first instance on not less than one day's notice. Such fares, rates, charges, rules or regulations, when established, may be changed only in accordance with the act.

(b) *Limitation.* No fare or other provisions may be filed under authority of this section, the effective date of which is more than sixty days after the effective date of the first fare or other provision established from, to, or at any point on the same line of newly constructed railroad or embraced in the same grant of authority for new service by water carrier, as the case may be.

(c) *Tariff notation.* Provisions published under authority of this section must contain a notation in connection therewith reading as follows:

> Issued on one day's notice under authority of § 1303.26 of Tariff Circular 24. Fares (or other provisions) established in the first instance (from to, between, or at, as the case may be), stations on railroad (or reached by water carrier, as the case may be).

Where all of the provisions in a tariff or supplement are issued under authority of this section, the above notation may be shown on the title page.

§ 1303.27 Transportation of circus and show outfits.

Rates for specified movements of circuses and other show outfits may be established on not less than one day's notice to the Commission. Such tariffs must bear reference to this section and must publish the charges specifically, showing the number and kind of cars moved, or may consist of a proper title page reading "as per copy of contract attached," and to it may be attached a copy of the contract under which the circus is moved. Tariffs containing such rates need not be posted at stations. As far as practicable, general rules or regulations governing the fixing of such rates should be regularly published, posted, and filed upon statutory notice.

§ 1303.28 Party-fare tickets.

(a) Party fares must not be restricted in their application to use by any class or classes of persons, but their use must be open to all; and no statement such as "account High School" (or any organization) shall appear on the title page of, or elsewhere in, a tariff providing for such fares.

(b) A party-fare tariff that provides per capital fares which decrease as the minimum number in the party increases, must contain a provision that the maximum charge for any party shall not exceed the total minimum charge for a larger party.

(c) Party fares are primarily for a group traveling together; however, in connection with round-trip party fares, in lieu of one round-trip ticket, there may be issued one ticket for the going trip and individual tickets for the return trip, if desired.

§ 1303.29 Round-trip tickets on certificate plan.

Round-trip tickets on the certificate plan may be issued at reduced fares and their use confined to the delegates to a particular convention or to the members of a particular association or society, upon the condition that a certain number of such tickets shall be presented for validation for return trip before the reduced fare for return trip will be granted to any ticket holder. The Commission suggests that the requirement be that not less than one hundred tickets shall be presented for validation for return trip before reduced fare will be granted to any ticket holder. Validation need not be required when it is obvious that the convention or meeting will be attended by a large number and there will be no question that the number using railroad service will exceed the minimum number which might be required. Tariffs of fares and regulations governing issuance and use of round-trip tickets on certificate plan must be filed and posted.

§ 1303.30 Validation of round-trip passenger tickets.

(a) *Validation for original purchaser.* A requirement that a round-trip passenger-fare ticket shall be validated for the original purchaser by carrier's agent at a given point is a condition affecting the value of the service, and must be published in the tariff under which the ticket is sold, and when published, must be observed. The tariff may provide for validation at numerous points, and it may provide for validation at any point intermediate to the original destination named in the ticket.

(b) *Avoid conflicting conditions in ticket and tariff.* The conditions stated upon the ticket should not conflict with the tariff provisions, but, if in any case there should be conflict between the tariff provisions and the conditions stated on the ticket, the tariff provisions must govern.

(c) *When illness or death occurs.* A carrier may provide in its tariff a rule that in case of illness or death of passenger, a specified officer of the carrier may validate round-trip ticket or tickets held by such passenger or members of his family travelling with him at a point short of that at which the tickets otherwise would be validated.

(d) *Failure to validate ticket.* A carrier may incorporate in its tariff a rule that when a passenger is compelled to pay the regular return fare because of his failure to have his round-trip ticket validated at the designated point, the carrier will refund the extra fare upon the filing with it of an affidavit by the holder of the round-trip ticket, certifying that the ticket has been used in accordance with all of the conditions of the tariff, except as to the matter of validation.

§ 1303.31 Emergency extension of time limit of tickets and granting stopovers.

(a) *Because of illness or quarantine.* (1) Carriers may provide in their tariffs that the time limit for the use of a passenger ticket may be extended in case of illness of the passenger holding such ticket. The tariff must give the title of the person who shall have authority to give such extension, and such person shall be required by the carrier to keep a memorandum of each instance in which such extension is given, and the data upon which it is allowed. Such information shall be made available to the Commission when requested. Only such illness as makes travel dangerous to the health of the traveler will justify the extension herein provided for.

(2) The extension also may be granted to one or more members of the family of the ill passenger when they are traveling with him, and to persons who are subject to an established quarantine.

(3) Stopover privileges for a limited time may be granted for the same causes and under the same conditions

and restrictions as justify extension of time limit of tickets.

(b) *Because of washout, wreck, etc.* A carrier also may provide in its tariffs that whenever, because of washout, wreck, or other obstruction to its tracks, public calamity, the act of God or of the public enemy, a passenger is delayed on its lines so that the limit of such passenger's ticket has expired or has elapsed to such an extent as to curtail his stopover privileges, the conductor or other specified agent will give, by endorsement on ticket or otherwise, certificate of such detention, and that such certificate will operate to extend the limit of such ticket to the extent of detention so certified, and that such extension will be honored by succeeding conductors on its lines. It also may provide that like certificates of detention and extension given by other carriers will be honored on its lines; but no carrier may so extend any part of a ticket reading over lines other than its own, except when provision therefor is contained in a joint tariff to which it and each other carrier affected is a party.

§ 1303.32 Free transportation of caretakers in connection with shipments of property.

(a) Section 1(7) of the act provides that free transportation may be furnished "to necessary caretakers of livestock, poultry, milk, and fruit." This provision in the statute is construed to mean necessary caretakers of livestock, poultry, milk, or fruit that is loaded and ready for movement, or the movement of which is actually contracted for or that is actually in transit, and may include free or reduced-fare transportation for the return of such necessary caretakers. This transportation may be in the form of free pass or reduced-fare transportation, but in any event it must be the same for all under like circumstances. Authority for such free or reduced transportation must be published in the tariff governing the transportation of the commodity, which also must contain such policing regulations as will prevent the missuse of this provision. Tariffs may provide that caretaker sent out to return with shipment that is arranged for or that is in transit will be required to pay fare going and that such fare will be refunded if person so sent does return as actual caretaker of shipments for which he is sent. But a tariff rule which provides that if a person goes out over the line with the intention of purchasing livestock and returns within a certain time with a certain number of cars of livestock, the carrier will refund to him the fare paid on outgoing trip is improper and unlawful.

(b) The Commission has expressed the opinion that the term "fruit" as used in section 1(7) of the act includes perishable vegetables, and that bees in hives and live fish may be included in the term "livestock" when shipped under conditions that make caretakers "necessary."

(c) When an express company provides in its tariff for free transportation for caretakers in charge of livestock, poultry, milk, or fruit, and the railroad company over whose lines such express company operates provides in its tariff that such caretakers may be permitted to ride in passenger car, the tariff of the express company and that of the railroad company must give reference to each other.

§ 1303.33 Ocean carriers' fares to or from foreign countries.

Carriers subject to the regulations contained in this part may not join with ocean carriers in publishing joint fares, rates, or charges to or from nonadjacent foreign countries. As a matter of convenience to the public, however, carriers subject to the regulations contained in this part may publish as information in their tariffs in connection with the fare, rate, or charge to or from the port, the steamship charge to or from points in a foreign country. When this is done, such steamship charges may be changed without notice, but the fares, rates, or charges of the carriers subject to the regulations contained in this part to or from the port are subject to all of the provisions of the Interstate Commerce Act and the Commission's tariff-publishing rules. Tariffs containing such steamship charges must not be concurred in by the ocean carriers.

§ 1303.34 Posting of tariffs.

(a) *Posting defined.* The term "post" as used in this section means the maintenance of a file of tariffs in the custody of an agent of the carrier in a complete, accessible, and usable form, and keeping such file of tariffs available to the public upon request during ordinary business hours. The term "tariff" as used in this section includes tariff supplements or amendments.

(b) *Carriers required to post tariffs at stations.* (1) Each railroad, sleeping car company, and each common carrier by water shall post at each station at which passengers are received for transportation and at which an agent is employed all tariffs (including those filed for it by tariff-publishing agents or by other carriers with its concurrence) which contain fares applying from that station or which contain terminal or other charges applicable at that station, together with all other tariffs needed to determine the application of such fares or charges. There shall also be posted at each such station an index of the carrier's passenger tariffs in form as provided in § 1303.10.

(2) Each common carrier by motor vehicle shall post at each station or office at which passengers are received for transportation and at which an agent is employed all tariffs containing joint motor-rail, motor-water, and/or motor-rail-water fares applying from or at such station or office.

(c) *Relief from requirements.* If any tariff so posted (other than a tariff index) has not been used for a substantial length of time, the posting of that tariff, including reissues thereof, may be discontinued until such time as a request is made to the carrier's agent to have it reposted. It shall then be reposted within 20 days and thereafter kept posted.

(d) *Location of complete public files of tariffs.* (1) Each railroad, sleeping car company, and each common carrier by water shall post at its principal office a complete set of all tariffs which it issues or to which it is a party, together with an index thereto, and each rail carrier with 5,000 miles or more of first main track (including branch lines but excluding yard, terminal and industrial tracks) shall also post at not less than one additional point, a complete set of tariffs which it issues or to which it is a party. In determining the number of miles of first main track operated, family lines may be considered as a unit and subsidiary carriers as a part of the controlling carrier. A small carrier which has authorized its principal connecting carrier to file tariffs on its behalf may have its tariffs included in the complete public tariff file of such connecting carrier without such small carrier maintaining a separate complete public file.

(2) Each common carrier by motor vehicle shall post at its principal office a complete set of tariffs containing joint motor-rail, motor-water, and/or motor-rail-water fares which it issues or to which it is a party.

(e) *Selection of posting places.* When posting places in addition to the principal office are required, railroads will select posting places which, in their judgment, will best serve and promote the convenience of the public in using the tariffs. The places selected shall be cities directly served by the railroad. Each railroad will advise the Commission by letter of the posting places selected and of any changes thereafter made. The Commission may, after reasonable investigation and without formal hearing, designate posting places in addition to or in substitution of those selected by the carrier.

(f) *Time of posting.* Each tariff must be posted at least 30 days before its effective date, excepting those as to which the Commission has authorized a shorter period of notice to the public. Each carrier shall require the agent at every station or office at which tariffs are posted to write or stamp on each tariff the date on which it was posted.

(g) *Tariff files to be accessible to the public.* Each file of tariffs shall be in charge of an agent of the carrier. Each carrier shall require and instruct such agent to afford inquirers an opportunity to examine any of such tariffs without asking the inquirer to assign any reason therefor, and, upon request, to lend assistance to seekers of information therefrom with all promptness possible and consistent with proper performance of other duties.

(h) *Notice required to be posted.* Each carrier shall also cause to be displayed continuously in a conspicuous public place at each station or office at which tariffs are required to be posted, a notice printed in large type reading as follows:

> With only such exceptions as have been authorized by the Interstate Commerce Commission, all tariffs which contain fares and charges applying from or at this station are on file at this office, together with an index of all of this company's passenger tariffs. The tariffs and index may be inspected by any person upon application and without the assignment of any reason for such inspection. The agent on duty in this office will lend any assistance desired in securing information therefrom.
>
> If request is made for a tariff naming fares from this station, the posting of which has been discontinued because of nonuse, the agent will arrange to have it reposted within 20 days and thereafter keep it posted.
>
> In addition a complete file of all of this company's tariffs, with indexes thereof, is maintained and kept available for public inspection at:
>
> ________________________________
>
> (Here indicate the place or places where complete tariff files are maintained, including the street address and, where appropriate, the room number)

(i) *Check-up on files of tariffs.* Each carrier shall place in effect a system of supervision that will insure the continued maintenance in proper and readily accessible form of tariff files required at each station and also at each office where complete files are maintained. Such stations and offices must be furnished at least once a year with a list of all of the tariffs which should be in their files. Upon receipt of the list the agent or employee in charge will immediately check the tariffs on hand against the list and report any deficiencies. Evidence of improper maintenance of files at any station or office may incur the prescription of detailed instructions to the carrier by the Commission necessary to insure compliance with these regulations.

(j) *Notice of proposed increases in fares for suburban service.* (1) Each carrier of passengers whose passenger operations over regular routes are confined solely to suburban service also shall notify the public of any proposal to increase its local regular-route fares by means of a notice posted in a conspicuous place in each station where tickets are sold, and in at least two conspicuous places, one in the forward and one in the rear section, in each rail passenger car or motorbus in which such commutation tickets are good for passage.

(2) The notice required by paragraph (j)(1) of this section shall be not less than 240 square inches in size, printed in type sufficiently large to permit of its being read under ordinary conditions by passengers seated in the conveyance, and, except as provided in paragraph (j)(3) of this section shall contain substantially the following legend:

> NOTICE OF INCREASED FARES
>
> ________________________________
>
> (Name of Carrier)
>
> This carrier has filed with the Interstate Commerce Commission, tariffs proposing increases in fares, effective (Date) for
>
> ________________________________
>
> ________________________________
>
> (Here describe briefly and generally the kind of transportation, points or localities affected, and the increases proposed.)
>
> Further information as to the proposed increase (including the carrier's statement of justification thereof) will be on file at the regional and district offices of the Commission in each State served by the carrier and affected by the proposal, at any of this carrier's offices where such transportation is sold, and at its general offices.
>
> ________________________________
>
> ________________________________
>
> (Here give street address, city, and telephone number)
>
> A copy of the carrier's proposal and statement of justification has been mailed to the Governor and the State's regulatory agency responsible for such matters, and to county transportation agencies—where existent, in States and counties served by the carrier and affected by the proposal.
>
> Under the law any interested person may protest to the Commission and request suspension of the increased fares. The Commission's rules require that one copy of the protest shall be filed at its office in Washing-

ton, D.C., at least twelve* (12) days before the effective date of the increased fares and should indicate in what respect the fares are considered objectionable. The rules also require that a copy of the protest be simultaneously mailed to

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(Here name the carrier proposing the increased fares)

*In the event the increased fares are published on less than thirty (30) days' notice, the words "at least twelve (12) days" should read "as promptly as possible."

(3) If proposal to increase fares for suburban service, for which posting of notice is required by paragraph (j)(1) of this section, is made by petition to the Commission prior to filing tariffs, a notice of the size and legibility required by paragraph (j)(2) of this paragraph shall be posted as required by paragraph (j)(1) of this section, describing briefly the increases sought, the transportation service for which they are sought, and the points affected. The notice also shall state that interested persons may object to the carrier's petition by filing with the Commission a reply thereto in accordance with the Commission's General Rules of Practice, and that information regarding the Commission's rules may be obtained by writing to the Secretary of the Commission.

(4) All notices shall be posted as prescribed in paragraph (j)(1) of this section contemporaneously with the filing with the Commission of any tariff containing the proposed increased fares, and also contemporaneously with the filing of any petition with the Commission for authority to increase fares or to file a tariff containing proposed increased fares. Notices with respect to the filing of a tariff shall remain posted until the increased fares become effective, or until suspended by the Commission or withdrawn by the carrier prior to its effective date. Notices with respect to the filing of a petition shall remain posted until action on the petition is taken by the Commission.

(5) A copy of each notice shall be mailed by first-class mail to the Governor and the State agency responsible for such matters, and to county transportation agencies—where existent, in all States and counties served by the carrier and affected by the proposal.

(6) A copy of each notice shall be transmitted in the form of a news release to the principal daily newspaper of general circulation in each municipality in which the carrier takes on or discharges passengers affected by the proposal and which has a population over 25,000. For the purpose of this requirement, a principal newspaper of general circulation is that newspaper of general circulation published in the community having the largest average daily circulation, and in any event shall also include all newspapers of general circulation published therein having an average daily circulation greater than 25,000. In the event that no daily newspaper of general circulation is published in the community, then the notice will be transmitted to the weekly newspaper published therein having the largest circulation.

(k) *Notice of proposed increases in fares for intercity and other long-haul service.* Each carrier of passengers engaged in intercity and other long-haul service shall notify the public of any proposal to increase its fares by posting notices in accordance with the requirements governing suburban service set forth in paragraph 1303.34(j) above, except that the following matter will be omitted from the contents of the notices required therewith: "A copy of the carrier's proposal and statement of justification has been mailed to the Governor and the State's regulatory agency responsible for such matters, and to county transportation agencies—where existent, in States and counties served by the carrier and affected by the proposal."

[32 FR 20541, Dec. 20, 1967, as amended at 40 FR 26035, June 20, 1975]

§ 1303.35 Applications for authority to make changes in tariffs.

(a) *Fares changed on less than statutory notice.* (1) Sections 6, 217, and 306 of the act authorize the Commission in its discretion and for good cause shown, to permit changes in fares on less than statutory notice. The Commission will exercise this authority only in cases where actual emergency and real merit are shown. Desire to meet the fares or charges of a competing carrier which has given the full statutory notice of change in fares or charges will not of itself be regarded as good cause for allowing changes in fares or charges on a notice of less than thirty days. Clerical or typographical errors in tariffs constitute good cause for the exercise of this authority, but every application based thereon must plainly specify the omissions or mistakes, together with a full statement of the circumstances attending such omission or error, and must be presented with reasonable promptness after issuance of the defective tariff.

(2) Frequently carriers file applications requesting authority to make changes on short notice when an outstanding order of the Commission in a proceeding requires publication on thirty days' notice. Such requests in effect are requests for modification of the order and should be filed as petitions in the proceeding to which the order relates, and not as applications under sections 6, 217 or 306 of the Interstate Commerce Act.

(b) *Authority necessary to make applications.* Applications for permission to make tariff changes on less than statutory notice or waiver of any provision of this part (Tariff Circular 24) must be made by the agent or carrier that holds authority to file the proposed changes. If the application requests permission to make changes in joint tariffs, it must state that it is filed for and on behalf of all carriers parties to the schedules in which the change is proposed.

(c) *Partial use of permission prohibited.* It sometimes occurs that carriers or their agents do not use the full authority extended by special permissions. When passing upon special permission applications, the Commission gives consideration to all of the facts and circumstances set forth in the application and, if approved, the special permission is issued with the understanding that all of its terms will be complied with and all of the authority dealing with the same subject matter will be used. Therefore, if all related matter authorized by a special permission will not be published, and more limited authority is desired, a new application complying with the provisions of this section and making reference to the previous authority, must be filed.

(d) *Preparation of application.* Applications (including amendments thereto and exhibits made a part thereof) for permission to make tariff changes on less than statutory notice or under waiver of any provision of this part (Tariff Circular 24), shall be made in duplicate on paper 8 by 10½ inches, and addressed to the Secretary of the Interstate Commerce Commission, Washington, D.C. 20423. (Motor carriers also are required to send one copy to the Regional Director.) Such applications shall be in substantially the following form, shall be numbered consecutively, and must bear the signature of the president, vice president, traffic manager, assistant traffic manager, general passenger agent (or their equivalents, if the carrier does not designate its officials by those titles), or a duly authorized attorney and agent, specifying title.

FORM OF APPLICATION

____

(Place and date)

To the Interstate Commerce Commission, Washington, D.C. 20423.

______, Agent, for and on behalf of all carriers parties to his (or its) tariff bearing ICC No. — (or the ________ (Name of carrier) by ________, (Name of officer) its ________ (Title of officer) does hereby make application to the Interstate Commerce Commission for permission under section 6 (other sections to be cited if involved) of the Interstate Commerce Act, to put in force the following fares (or rates, charges, rules or regulations), to become effective ______ days after filing thereof with the Commission:

(State fully, either specifically or by reference to an accompanying exhibit, the fares and/or other tariff provisions which it is desired to put into effect, (if rates or charges, the articles or service to which they apply) and the points of origin and destination. If permission is sought to establish a rule or regulation, the exact wording must be shown.)

And to depart from the provisions of the following sections of Tariff Circular 24 when making such publication, viz: ________

Applicant further represents that the said fares (or rates, charges, rules or regulations) will be published in (a designated tariff) and will supersede the fares (or rates, charges, rules or regulations) on like traffic from and to the points above named which are set forth in (a designated tariff provision).

(Here state specifically or by reference to an accompanying exhibit, the present fares or other provisions which it is desired to change, together with the ICC numbers in which published and the effect of the proposed change.)

(State the basis on which the proposed fares, rates and/or charges are constructed, if the application seeks less than statutory notice. If it is proposed to change a rule or regulation, state fully the nature and purpose of the change.)

(State the relation existing between points of origin and destination covered by the application and any point of origin or destination not covered by the application, if the application seeks less than statutory notice.)

And your petitioner further bases such request upon the following facts, which present certain special circumstances and conditions justifying the request herein made:

(State fully all other circumstances and conditions which are relied upon as justifying the application and which may aid the Commission in determining the question presented. If authority is sought to make publication under waiver of the provisions of Tariff Circular 24 (this part), state why it is believed that those provisions cannot or should not be fully complied with. If short notice is requested, state why the change was not published upon statutory notice.)

____

(Correct name of carrier,
if filed by a carrier)

____

(Signature of agent, or of
officer if filed by a carrier)

____

(Title)

Subscribed and sworn to before me this ———— [SEAL] day of ————, 19—.

____

Notary Public

(Only the original need be notarized)

§ 1303.36 Transmission of publications to subscribers.

(a) Except as otherwise authorized in paragraphs (b) and (d) of this section, one copy of each new tariff, supplement, and loose-leaf page must be transmitted to each subscriber thereto by first-class mail (or other means requested in writing by subscriber) not later than the time the copies for official filing are transmitted to the Commission. The letter of transmittal accompanying the copies to the Commission must contain the following certification:

I hereby certify that I have on or before this day sent one copy of each publication listed hereon to each subscriber thereto by first-class mail, or by other means of transmission agreed upon in writing by the subscriber.

____

Signature of person
transmitting publication(s)

____

Date

(b) If a new tariff or supplement is filed which in its entirety is published under an authority from this Commission to publish and file without notice or on notice of less than ten days, or, if a new loose-leaf page is filed which contains a provision published under an authority from this Commission to publish and file without notice or on notice of less than ten days, paragraph (a) of this section need not be complied with as to such publication if it cannot be or compliance would cause excessive delay, but one copy of such publication must be transmitted to each subscriber thereto by first-class mail (or other means requested in writing by subscriber) within five calendar days, starting with the calendar day following that on which the copies for official filing are transmitted to the Commission, and the letter of transmittal to the Commission must contain the following certification:

I hereby certify that I will within five calendar days after today send one copy of each publication listed hereon to each subscriber thereto by first-class mail, or by other means of transmission agreed upon in writing by the subscriber.

____

Signature of person
transmitting publication(s)

____

Date

Included in this exception are supplements issued for the purpose of announcing suspensions made by the Commission and publications (published in the name of a carrier only) announcing adoptions.

(c) When copies of different publications are transmitted to the Commission at the same time, some copies of which have been transmitted to subscribers in compliance with paragraph (a) of this section and some copies of which will be transmitted to subscribers in compliance with paragraph (b) of this section, two letters of transmittal must accompany the copies to the Commission, one complying with paragraph (a) of this section and the other complying with paragraph (b) of this section.

(d) If there are no subscribers to any publication listed on a letter of transmittal accompanying the copies for official filing to the Commission, the letter of transmittal must contain the following certification:

I hereby certify that there are no subscribers to the publication(s) listed hereon.

____
Signature of person
transmitting publication(s)

____
Date

If copies of different publications are transmitted to the Commission at the same time, some of which are subscribed to and some of which are not, only the provisions of paragraphs (a) or (b) of this section, or both, as the case may be, need be complied with.

(e) Expedited service (when transmitting one copy of each publication) must be provided to each subscriber requesting it. The cost of this service may be passed on to the subscriber.

(f) Carriers and agents shall furnish without delay one copy of any of their tariff publications, effective or published but not yet effective, to any person upon reasonable request therefor at a reasonable charge not to exceed that assessed a subscriber.

(g) As used herein, the term "subscriber" means a party who voluntarily or upon reasonable request is furnished at least one copy of a particular tariff and amendments thereto (including reissues thereof) by the publishing carrier or agent. The term does not, however, pertain to requests for a copy or copies of a tariff without a request for future amendments thereto.

[40 FR 7655, Feb. 21, 1975, as amended at 40 FR 25678, June 18, 1975]

§ 1303.37 ICC numbering systems.

(a) *Compliance.* Until March 1, 1979, every tariff must bear either an ICC number or a standard ICC designation as set forth in paragraphs (b) and (c), respectively, of this section. Every effective tariff on file with this commission on that date and every tariff which is indicated to become effective after that date must bear a standard ICC designation as set forth in paragraph (c) of this section. Conversion from the consecutive I.C.C. (or ICC) system to the standard ICC designation system shall be accomplished in the manner set forth in paragraph (d) of this section.

(b) *I.C.C. (or ICC) numbers.* The I.C.C. (or ICC) numbers shall run consecutively beginning with the next consecutive number in the existing series or, if no tariffs have been issued previously, beginning with I.C.C. (or ICC) NO. 1.

(c) *Standard ICC designation.* (1) The standard ICC designation shall be constructed by use of the characters "ICC," by use of a unique standard tariff, carrier, or agent code consisting of a minimum of two and a maximum of four alphabetical characters, and by use of a standard tariff number assigned according to the type of tariff, and in that order. For example, if the carrier or agent or the specific tariff has been assigned the code ABCD and the tariff has been given the number 2000 by the carrier or agent, the ICC designation would be "ICC ABCD 2000."

(2) (i) The codes shall be assigned by the transportation industry. Only one code shall be assigned to each carrier (even if carrier is of more than one mode) or agent (see paragraphs (c)(2)(ii) and (iii) for exceptions). Each code shall be unique for the carrier or agent to which it is assigned and may not be used by any other, regardless of mode. Each carrier or agent must use

only the code assigned thereto and may not use any other, except where a separate code has been authorized for a particular tariff series. A carrier or agent may request that it be assigned a specific code (regardless of whether or not one has been previously assigned), which must be appropriate and not duplicate any other. To the greatest extent practicable, the first two letters of the requested code must relate to the carrier's or agent's name. "A," "An," or "The" forming part of the name of the carrier or agent should not be considered when requesting a code. A court-appointed receiver, trustee, et cetera, who assumes possession and operating control of a carrier's lines, whether in whole or in part, shall use the old carrier's code. In all other cases where the name of a carrier is lawfully changed or the operating control of a carrier's properties is lawfully transferred in whole or in part to another party under authority of an order of this Commission, and the regulations in this part require the filing of an adoption notice, the code of the new carrier shall be used on the adoption notice and on all original tariffs filed thereafter in the name of the new carrier. (Where there is a change in the name of the carrier or agent without a change in ownership of a carrier or identity of an agent, a new code shall be assigned unless retention of the same code is authorized by the Commission. Exception: A code assigned for use on a specific tariff of an agent must continue to be used on that tariff. See paragraph (c)(2)(ii) of this section.) A code which has been previously but is no longer assigned may be reassigned after its prior assignment has been canceled for at least 5 years. All requests for codes shall be in writing.

(ii) Consideration shall be given to requests for the assignment of specific codes to specific types of governing tariffs which have a substantial nationwide application for a substantial number of participating carriers. The requested code must not duplicate any other. Such a code shall be assigned only to a tariff published and filed in the name of an agent. To the greatest extent possible a requested code must coincide with the first letter of the primary words in the title of the tariff. Only one such code shall be assigned to a tariff. Each code shall be unique for the specific tariff series to which it is assigned and may not be used by the agent on any other tariff or by any carrier or other agent.

(iii) Consideration shall be given to requests for assignment of a separate code to a carrier for use in identifying separately a division or district of the carrier. The requested code must not duplicate any other. This code shall be in addition to the base code assigned the carrier under the provisions of paragraph (c)(2)(i) of this section. The additional code shall be constructed by the use of the base code together with an appropriate letter suffix, designating the particular district or division thereof, which, including the suffix, may not exceed four alphabetical characters. Where the base code consists of four characters, the letter suffix shall be added to the first three characters of the base code.

(iv) The transportation industry shall file with the commission in tariff form a list of the assigned alphabetical codes and the names of the carriers and agents to which they are assigned. This tariff shall be amended every three months (if the list has changed during that period) to maintain it in an updated condition. The amendments shall amend the list to the extent of showing changes, additions, and cancellations. The tariff, if in bound form, shall comply with the supplemental and volume limitations for tariffs provided in Part 1310 of this chapter. Partial amendments to the list may be shown in each supplement, and more than one partial amendment may be in effect at the same time. Only one tariff containing a list of codes may be in effect at one time.

(3) A standard tariff number assigned to a tariff shall consist of not more than four digits. The grouping of the numbers shall be established by the carrier or agent according to the particular types of tariffs involved, and the number assigned to a tariff must conform to that grouping.

(4) The assigned number will remain the same from reissue to reissue of the tariff. A new tariff, not a reissue, shall not show a letter suffix following the

tariff number, and the first reissue of it shall show the letter suffix A, the next reissue B, and so on until Z, following which the letter suffix A will again be used and the process repeated. In the example, in paragraph (c)(1) of this section, the first reissue of tariff ICC ABCD 2000 would be ICC ABCD 2000-A, the next reissue ICC ABCD 2000-B, and so on. Where the ICC number on a tariff is changed to a standard ICC designation, there may be no letter suffix, or as an alternative, any letter suffix may be used, and reissues proceeding from there alphabetically. A carrier or agent may not on any of its tariffs provide a tariff number for its own purpose that is different in any respect from that used in the ICC designation, and whole numbers (not fractional or decimal) must be employed. The purpose is to dispense with and prohibit dual systems of numbering any tariff.

(5) A standard tariff number which has been previously but is no longer assigned and used on an effective tariff may be reassigned after the last tariff to which it was assigned has been canceled for at least 5 years.

(6) When a carrier or agent adopts the standard ICC designation system and obtains a code, it must continue to use such system and file no new tariffs using the ICC consecutive numbering system. The ICC designation of a tariff which employs this system may not be changed.

(7) Tariff indexes containing the old ICC numbers of indexed tariffs shall be corrected to show the new ICC designation not later than 90 days from the effective date of the changeover of the particular tariff series in each case.

(8) Any tariff which refers to another as a governing publication or otherwise, using the standard ICC designation in such reference must clearly spell out the name of the carrier or agent whose tariff it is, or under the Explanation of Abbreviations or other appropriate place in the tariff explain the code as to the name of the carrier or agent for which it stands. If the code is assigned to the tariff, the explanation must clearly identify the tariff, including the name of the issuing agent.

(9) Tariffs that use numerical or alphabetical codes to identify carriers in connection with routing, participating carrier lists, et cetera, must convert such codes to the standard carrier codes not later than March 1, 1981.

(10) In applying the regulations in this part in connection with tariffs issued in, or converted to, the standard ICC designation system, any reference in such regulations, either expressed or implied, to the ICC consecutive numbering system and to "series" shall be construed to apply as well to the standard ICC designation system.

(d) *Conversion to new system.* (1) Each carrier or agent must obtain its standard code before it adopts the standard ICC designation system. A carrier or agent may elect to convert to the standard system only as each tariff is reissued, or a new one (not a reissue) is published, or in the alternative to convert all its existing tariffs at one time. In any event, all tariffs except as otherwise provided in § 1303.37(c)(9), must be converted by March 1, 1979. If all existing tariffs are converted at one time, the notice of the conversion in each tariff shall be made by special supplement. Such supplement shall contain no other matter, shall not be canceled, shall be considered exempt from the supplemental limitations in this part for the life of the tariff involved, and shall be shown as a supplement to the old tariff. The supplement may be published on not less than 1 day's notice, and shall contain a notice reading substantially as follows:

NOTICE OF CHANGE OF ICC NUMBER

Effective (here show date which is next following the general effective date of the supplement) the ICC designation of this tariff, as heretofore amended, is changed to (here show new tariff designation). All amendments to this tariff will hereafter use the new designation.

Any reference in any other tariff to this tariff by the previous ICC designation shall be construed as referring to this tariff by the new designation.

(2) Any reference in one tariff to another tariff by its old ICC number, after such referred to tariff has been reissued or converted using the standard ICC designation system, must be

corrected by publication(s) filed within 60 days of the effective date of the changed designation. Such references may be corrected upon not less than 1 day's notice. A supplement issued to a bound tariff for the purpose of effecting such correction, and containing no other matter, may be issued and maintained without regard to the supplemental matter limitations of this part. If the corrections as to any particular bound tariff would require more than one page of tariff matter, corrections may be made by "Amendment to * * * " an item or other tariff unit provided the supplement contains only such corrective matter and is retained as a separate effective supplement (not reissued) for the life of the tariff or until all affected amended tariff items or units are reissued. Use of blanket form of supplement (a common supplement to two or more tariffs) to bound tariffs is authorized subject to the same conditions set forth in this paragraph.

(3) A loose-leaf tariff may only be changed to the standard ICC designation system, without complete reissue, by issuance of the supplement authorized in this paragraph plus a revised title page (effective the same date as the supplement and upon the same notice), subject to the further condition that the new title page and each new or revised page issued thereafter shall show in connection with the standard ICC designation the words "Formerly ICC" followed by the old number.

(4) Tariffs (not supplements or loose-leaf page revisions) which are completely complied and in the hands of the printer for publication, not filed, at the time of the complete changeover by a carrier or by an agent, which bear the old-type ICC designation, may be filed if accompanied by the supplement authorized in this paragraph and in the case of a loose-leaf tariff by revised title page, and the circumstances explained in the letter of transmittal accompanying the filing.

(5) When a tariff filed in the names of two or more agents is converted, the conversion must become effective on the same date for all the agents involved.

[43 FR 8534, Mar. 2, 1978]

§1303.38 Codes for identification of places.

(a) *Definition.* As used in this part, the term "code for identification of places" means any numeric or alphabetic system used to represent, or identify, places, points, facilities, or locations.

(b) *Use.* Codes for identification of places may be used instead of, or in addition to, the naming of places, points, facilities, or locations; provided that an explanation of the code (showing the code together with the name of the place, point, facility, or location represented by the code) is contained in the same tariff utilizing the code, or in a separate tariff specifically named as a governing publication.

(c) *Listing.* When codes for identification of places are used in lieu of named places, and if the regulations in this part require the place names to be published in alphabetical order, the codes for identification of places shall be published in numerical order (if a numeric code) or in alphabetical order (if an alphabetic code).

[46 FR 34804, July 6, 1981]

PART 1304—EXPRESS COMPANIES SCHEDULES AND CLASSIFICATIONS

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1304.112 Publication and filing of a directory by express companies.

AUTHORITY: Sec. 12, 24 Stat. 383, as amended, 49 Stat. 546, as amended; 49 U.S.C. 12, 304, and sec. 5, 6, 24 Stat. 380, as amended, 49 Stat. 560, as amended; 49 U.S.C. 5, 6, 317.

SOURCE: 32 FR 20558, Dec. 20, 1967, unless otherwise noted.

§ 1304.0 General provisions; definitions.

(a) *Conformation to rules; reissue.* When provision for rejection of publications that do not conform to the regulations in this part have been omitted, it is to avoid conflict with the penalties provided in section 6 of the act for failure to comply with rules and orders of the Commission, issued under that section.

Tariffs that were lawfully on file with the Commission on August 1, 1908, and that have not since that time been superseded or canceled, will be considered as continued in force until they can be properly reissued. All tariffs filed on or after May 1, 1911, must, except as otherwise specified herein, conform to all of the rules in this part. The Commission may direct the reissue of any tariff at any time.

(b) *Definitions.* (1) The term "joint rate," as used in this part, is construed to mean a rate that extends over the lines of two or more carriers and that is made by agreement between such carriers.

(2) "Joint tariffs" are those which contain or are made up from such "joint rates."

(3) Wherever used in the regulations in this part the term "joint express-motor rates" shall be understood to mean rates, rules or charges applicable to joint transportation between express companies listed in paragraph (b)(4) of this section, on the one hand, and common carriers of property by

motor vehicle other than such express companies, including transportation where such common carriers by motor vehicle participate only as intermediate carriers, on the other hand.

(4) Wherever used in the regulations in this part the term "local express-motor rates" shall be understood to mean rates, rules or charges applicable wholly over the lines of one or more of the following companies, viz: Railway Express Agency, Incorporated, Canadian National Railways (Express Department), Canadian Pacific Express Company, for transportation wholly by motor vehicle owned or leased by such express companies or partly by rail or water and partly by such motor vehicle.

(5) Wherever used in this part the term "express rates" shall be understood to mean rates, rules or charges applicable to all-rail or rail-water transportation by express companies subject to part I of the Interstate Commerce Act.

(6) Wherever used in this part the term "all-motor rates" shall be understood to mean rates, rules or charges applicable to all-motor transportation by common carriers or property by motor vehicle other than express companies named in paragraph (b)(4). Similarly the terms "all-motor tariff" or "all-motor transportation" shall be understood to mean tariffs or transportation (as the case may be) of such motor carriers.

CROSS REFERENCES: For filing of tariffs, see § 1304.13. For general provisions in connection with filing, see § 1304.14. For publishing and filing tariffs under amended fourth section of the act, see § 1304.39. For publication and filing of local and joint express-motor rates, see § 1304.102.

§ 1304.1 Form, size, and arrangement.

All tariffs must be printed on hard calendered paper of good quality from type of size not less than 6-point full face. Stereotype, planograph, or other printing-press process may be used. Alterations in writing or erasures must not be made in tariffs before filing. Reproductions by hectograph or similar process, typewritten sheets, or proof sheets must not be used for posting or filing.

All tariffs must be in book, sheet, or pamphlet form, and of size 9½ by 11½ inches. Loose-leaf plan may be used so that changes can be made by reprinting and inserting a single leaf.

§ 1304.2 Indication of changes.

(a) All tariff publications or supplements thereto must indicate increases thereby made in existing rates or charges, rules or regulations, or classifications by the use of black-faced type or by the use of a uniform symbol throughout the schedule. All tariff publications or supplements thereto which are filed with the Commission on or after May 1, 1911, must also indicate reductions thereby made in existing rates of charges, rules or regulations, or classifications by the use of italic type or by the use of a uniform symbol throughout the schedule. Clear explanation of the use of distinctive type or symbols must be made in the tariff.

(b) When a new tariff canceling a previous tariff omits offices of origin or destination or rates which were contained in such previous tariff, the new tariff shall show, in the manner prescribed in § 1304.8(e), where the rate or rates will thereafter be found, and if such omissions effect increases or decreases in charges that fact shall be shown by the use of proper symbols.

(c) Changes resulting in increases which are not identified by proper symbols shall be considered unlawfully published and filed and therefore invalid and not collectable. In such cases, the lawful provisions will be those which were purportedly superseded. Invalid provisions shall be canceled by publications which shall bring forward, or properly amend, provisions which have remained in effect by reason of invalid publication.

(5 U.S.C. 553; 49 U.S.C. 10762)

[32 FR 20558, Dec. 20, 1967, as amended at 45 FR 60439, Sept. 12, 1980]

§ 1304.3 Content of tariff title page.

The title page of every tariff shall show:

(a) Name of issuing express company, express companies, or agent.

(b) On the upper right-hand corner in bold-face type, the ICC identification. Prior to March 1, 1979, tariffs may use either one of two systems of identification, subject to certain restrictions. One is the numbering system whereby each carrier and agent numbers each new issue consecutively. The other is the system employing both alphabetical characters (the code signifying the issuing carrier or agent or, in some instances the kind of tariff — see § 1304.43(c)(2)(ii)) and numbers (the carrier's or agent's own tariff number including a suffix letter, if any). See § 1304.43—ICC Numbering Systems for details. The first is referred to in these rules as the "ICC number" and the other, while also an ICC number, is differentiated by referring to it as "standard ICC designation." Immediately under this designation or number in smaller type shall be shown the ICC designation or ICC number (and letter, if any) of each tariff canceled thereby. If, however, the number of canceled tariffs is so large as to render it impracticable to thus enter them on the title page, they must be shown on the following page, and specific reference to such list must be entered on the title page immediately under the ICC designation or number. Serial numbers of express companies may, if desired, be entered below the upper marginal line of a title page showing an ICC number (not standard ICC designation).

(c) Whether tariff is local, joint, proportional, or a combination of same, and whether merchandise, commodity, or a combination of both.

(d) The territory or points from and to which the tariff applies, briefly stated.

(e) Reference by name and ICC number to the classification and exception sheets governing the tariff. Following form will be used: "Governed, except as otherwise provided herein, by the ———— classification, ————, ICC No. ——, supplements thereto and reissues thereof; and by exceptions to said classification, ———— ICC No. ——, supplements thereto and reissues thereof." A tariff is governed by a classification or exceptions thereto when and only to the extent stated on the tariff.

(f) Date of issue and date effective. Any tariff may be changed upon statutory notice of 30 days, or, under special permission from the Commission, upon shorter notice. Therefore, a provision in a tariff that the same, or any part thereof, will expire upon a given date, is not a guaranty that the tariff, or such part of it, will remain effective until that date. The Commission considers expiration notices undesirable, as many complications have arisen through their being overlooked. Such provision, if used, must be understood to mean that the tariff, or specified part of it, will expire upon the date named unless sooner canceled, changed, or extended in lawful way. On such tariffs the term "Expires ————, unless sooner canceled, changed, or extended," must be used.

(g) Name, title, and address of officer by whom tariff is issued.

(h) [Reserved]

(i) On every tariff or supplement that is issued on less than 30 days' notice by permission or orders or regulations of the Commission, notation that it is issued under special permission or order of the Interstate Commerce Commission, No. ——, of [date] ——————, or by authority of Rule ——, Tariff Circular 19-A, or by authority of decision of the Commission in case No. ——.

[32 FR 20558, Dec. 20, 1967, as amended at 43 FR 8536, Mar. 2, 1978]

§ 1304.4 Content of tariffs in book or pamphlet form.

Tariffs in book or pamphlet form shall contain in the order named:

(a) *Table of contents.* A full and complete statement in alphabetical order, of the exact location where information under general headings, by subjects, will be found, specifying page or item numbers. If a tariff contains so small a volume of matter that its title-page or its interior arrangement plainly discloses its contents, the table of contents may be omitted.

(b) *Participating carriers.* Names of issuing express companies, including those for which joint agent issues under power of attorney and names of express companies listed in § 1304.0(b)(4) that participate under concurrence, alphabetically arranged. The form and number of power of attorney or concurrence by which each such carrier is made party to the tariffs must be shown.

(c) *Commodity rates.* A tariff on a single commodity, or a few commodities, shall contain all of that express company's commodity rates on such commodity or commodities applying from any point of origin named in the tariff to any point of destination named in the tariff.

(d) *Index of offices.* An alphabetical index of offices from which rates apply, and an alphabetical index of offices to which rates apply, together with names of States in which located. When practicable, the index of offices and pages upon which rates will be found, or item numbers in which rates from or to such offices appear, should be shown. If there be not more than 12 points of origin or 12 points of destination, the name of each may, if practicable, be specified on title-page of tariff.

If a tariff is arranged by groups of origin or destination, by bases, or by bases numbers, the indices must show for each office the proper group, basis, or basis number.

If offices of origin or of destination are shown throughout the rate tables in continuous alphabetical order, or are shown alphabetically by States and such States are alphabetically arranged, or are shown by groups alphabetically arranged, no index of offices or origin or destination will be required. But when such alphabetical arrangement in rate tables is used the table of contents shall indicate the pages upon which points are so shown, and when arranged by States or groups, shall give specific reference to the pages on which rates to or from offices in each State or group will be found.

Geographical description of application of tariff may be used only when the tariff applies to or from all offices in one or more States or Territories or when it applies to or from all offices in a State or Territory except those specified. But such list of exceptions for a single State or Territory may not exceed one-third of the number of offices in that State or Territory to or from which (as the case may be) the tariff will apply. For example, a tariff may state that it applies from all offices of an express company in New York, Pennsylvania, and New Jersey, and from all offices in Delaware, except [here give alphabetical list of excepted offices], and from the following offices in Ohio [here give alphabetical list of Ohio offices].

Traffic territorial or group descriptions may be used to designate points to or from which rates named in the tariff apply, provided a complete list of such points arranged by traffic territories or groups is printed in the tariff or specific reference is given to the ICC number of the issue that contains such list. In this list the offices in each traffic territorial or group description shall be arranged alphabetically, or all of the offices in traffic territories or groups named in the tariff may be included in one alphabetical index: *Provided,* That points of origin and points of destination be shown separately, alphabetically, and the traffic territorial or group description in which they belong be shown opposite the several offices.

(e) *Reference marks and abbreviations.* Explanation of reference marks and technical abbreviations used in the tariff, except that a special rule or provision applying to a particular rate will be shown in connection with and on same page with such rate.

(f) *List of exceptions.* List of exceptions, if any, to the classification governing the tariff which are not contained in exception sheets referred to on title page.

(g) *Explanatory statements.* Such explanatory statement in clear and explicit terms regarding the rates and rules contained in the tariff as may be necessary to remove all doubt as to their proper application.

(h) *Rules governing the tariff.* Rules and regulations which govern the tariff, the title of each rule or regulation to be shown in bold type. Under this head all of the rules, regulations, or conditions which in any way affect the rates named in the tariff shall be entered, except that a special rule applying to a particular rate shall be shown in connection with and on the same page with such rate.

Except as provided in § 1304.7(b), no rule or regulation shall be included which in any way or in any terms authorizes substituting for any rate named in the tariff a rate found in any other tariff; but a scale of rates or a table of distance rates may be included in the tariff together with the provision, "If the use of the scale rate (or the distance rate) on page —— of this tariff makes a less charge on any shipment than rates named herein, such lower charge will apply."

An express company or an agent may publish, under ICC number, post, and file a tariff publication containing the rules and regulations which are to govern certain rate schedules, and such publication may be made a part of such rate schedules by the specific reference "Governed by rules and regulations shown in ———— ICC No. ——."

A rate schedule may in like manner refer to another schedule for the governing rules and regulations.

A schedule or a publication so referred to must be on file with the Commission and be posted at every place where a schedule that refers to it is posted.

(i) *Rate tables.* An explicit statement of the rates, in cents or in dollars and cents, per 100 pounds, per barrel or other package, per ton or per car, together with the names or designation of the offices from and to which they apply, all arranged in a simple and systematic manner. Minimum carload weights must be specifically stated. Tariffs containing rates per ton must specify what constitutes a ton thereunder. A ton of 2,000 pounds must be specified as "net ton" or "ton of 2,000 pounds." A ton of 2,240 pounds must be specified a "gross ton," "long ton," or a "ton of 2,240 pounds." Complicated or ambiguous plans or terms must be avoided.

(j) *Routes under tariff.* The different routes via which tariff applies may be shown, together with appropriate reference to application of rates. When a tariff specifies routing, the rates may not be applied via routes not specified. A tariff may show the routing ordinarily and customarily to be used and may provide that, if from any cause shipments are sent via other junction points, but over the lines of parties to the tariff, the rates will apply.

If a tariff contains no routing directions, the joint rates shown therein are applicable between the points specified via the lines of any and all parties to the tariff; and shipper must not be required to pay higher charges than those stated in the tariff because the express companies have not agreed divisions of the rates via the junction through which the shipment moves. If agent of express company bills or sends shipment via a route or junction point that is covered by the tariff, but via which no division of the rate applies, it is for the express companies to agree between themselves upon the division of the rates, and for the intermediate or delivering companies may demand from the company whose agents so missends shipment their full local rates for the services which they perform.

CROSS REFERENCES: For commodity rates, see § 1304.7. For indexing of tariffs, see §§ 1304.11, 1304.108. For tariffs containing express-motor rates general, and express-motor rates for the transportation of explosives, see §§ 1304.103, 1304.110.

[32 FR 20558, Dec. 20, 1967, as amended at 43 FR 972, Jan. 5, 1978]

§ 1304.5 Basing tariffs.

(a) *Construction in sections.* A basing rate tariff to be used in computing through rates between points between which no specific through rate applies may be constructed in sections, each section containing an alphabetical list of the offices and the basing rates for an individual State.

(b) *Joint basing transfer tariffs.* Express companies shall print, post, and file alphabetical lists of the offices reached by connecting concurring express companies, arranged by States, and designating the transfer points at which through business may be transferred, together with the rates from such transfer points to the destination offices via the lines of such connecting concurring companies. These lists shall be known as "Joint Basing Transfer Tariffs" and shall include the transfer points by which through rates may be figured, and shall provide that the lowest charge that can be computed therefrom via any transfer point named therein shall be the through charge from point of origin to destination applicable via any transfer point named therein.

(c) *Amendment.* Contemporaneous with issuance of supplement to such basing tariffs and effective on the same date, any section applying to an individual State may be reissued. Such reissue must bear the ICC number of the tariff of which it is a part; the name of the State to which it applies; the cancellation of superseded section, specifying its date and the effective date of the new section; but supplement issued contemporaneously with such reissued section may not contain any changes affecting the State to which the reissued section applies. Reissued sections under this section will not be counted as supplements under the section limiting the number of supplements to any tariff. Such tariff shall contain an index of the effective dates of its several sections, and such index must be kept up to date either by reissue or in supplement to the tariff.

(d) *May specify basing points or factors for combination rate.* An express company may provide in its tariffs that, in the absence of a specific rate from point of origin to destination of a through shipment, combination rate to or via certain points will be made upon specified basing point or points, or by using certain specified tariffs or rates, and the combination rate so specified will be the lawful rate for that shipment.

An express company may incorporate in a tariff the following rule:

Rates to destinations or from points of origin not shown in this tariff will, in the absence of specific rate from point of origin to destination, be made by adding to the rates shown in this tariff the rates shown in other tariffs lawfully on file with the Interstate Commerce Commission, but if the rate so made exceeds the rate to or from a point beyond on the same direct line or route as shown in this tariff, the latter rate will apply.

NOTE: If a rate applies to or from a group or zone or blanket of points of origin or of destination, such rate will be considered as "named" or "shown" from each point within such properly described group, zone, or blanket.

When desired the following may be added:

Rates so made will apply via all routes authorized under this tariff to or from contiguous points of origin or of destination.

If shipment moves to or from a point of origin or of destination or via a transfer point with connecting or branch line at which interchange is made directly intermediate to the base point upon which the lowest combination makes, such combination must be applied; and it is not necessary to haul the shipment to such base point and back again to or through point of origin or destination or such transfer point.

NOTE: Neither this section nor any portion thereof is to be construed as conferring any authority to depart from the prohibitions of the fourth section of the act against higher charges for shorter distances, and higher charges as a through route than the aggregate of the intermediate rate, or as modifying or authorizing departure from the Commission's ruling that a specific merchandise or commodity rate between two points is the lawful rate between those points regardless of any combination rate. It must also be understood that in a case where the lowest combination of rates makes on a base point as to which the point of origin or of destination is directly intermediate, a specific rate to or from such point that is higher than such combination is included in the Commission's ruling that a through rate that is higher than the combination of intermediate rates between the same points is prima facie unreasonable. It must be further understood that in applying the lowest combination when it makes upon a base point as to which the point of origin or of destination is directly intermediate, the Commission expresses no opinion as to the reasonableness of a rate so constructed.

(e) *Lowest combination lawful rate.* If no specific rate from point of origin to destination of a through shipment is provided, and no specific manner of constructing combination rate for it is prescribed, the lowest combination of rates applicable via the route over which the shipment moves is the lawful rate for that shipment.

Such combination through rate must be treated as a unit from the date of original shipment to the date of its arrival at destination, and the rate applied must be the combination of the rates which exists upon the date of original shipment. All of the conditions, regulations, and privileges obtaining as to any factor in such combination rate for through shipment at the time of original shipment upon such combination through rate must be adhered to and cannot be varied as to that shipment during the period of transportation of such shipment to its final destination. A local or proportional rate "in" cannot be absorbed, diminished, or affected by any "out" rate not in effect at the time when the traffic moved upon such local or proportional rate.

§ 1304.6 Limiting use of terms.

(a) *Terms "Missouri River points," "general specials," etc.* The terms "Missouri River points," "Puget Sound points," or similar terms shall not be used in any tariff for the purpose of indicating the points from or to which rates named therein apply unless a full list of such points is printed in the tariff or specific reference is given to the ICC number of the issue that contains such list.

The term "general specials," or similar term must not be in any tariff for the purpose of indicating the articles to which the rates apply, unless a full list of the articles included in and covered by such term is printed in the tariff or specific reference is given to ICC number of issue that contains such list.

(b) *Commodity rates must be specific.* Commodity rates must be specific and must not be applied to analogous articles.

§ 1304.7 Commodity rates.

(a) Except as provided in paragraph (b) of this section, in every instance where a commodity rate is named in a tariff upon a commodity and between specified points such commodity rate is the lawful rate and the only rate that can be used by the companies parties thereto, with relation to that traffic between those points, even though a merchandise rate or some combination may make lower. The naming of a commodity rate on any article or character of traffic takes such article or traffic entirely out of the classification and out of the classification rating between the points to which such commodity rate applies, and the commodity rate so named is not modified by the provisions in the classification for extra valuation charges, limitation of liability, icing charges, or any variation of the commodity rate, except when the commodity tariff so provides either specifically or by reference to a governing classification.

Classifications and merchandise rate tariffs shall contain the provision that wherever commodity rates are named they remove the application of the classification scale or rating on the same commodity and between the same points.

Rates may be made for specified mixed shipments and will be the lawful rates for such mixtures, even though certain parts of the mixtures are covered by merchandise or commodity rates when shipped separately.

(b) When the application of commodity rates, either distance or specific, results in charges higher than those accruing under class rates, provision may be made for alteration of class and commodity rates either by the use of paragraph (b)(1) of this section in the commodity tariff or by use of paragraph (b)(2) of this section in a tariff containing rules by which the commodity tariff is governed.

(1) Except as otherwise provided herein, if the charges accruing under class rates, published in tariffs lawfully on file with the Interstate Commerce Commission, are lower than the charges provided herein, from and to the same points, such lower charges accruing under class rates will apply.

(2) Except as otherwise provided, if the charges accruing under class rates, published in tariffs lawfully on file with the Interstate Commerce Commission, are lower than the charges provided in commodity tariffs governed by and making reference to this tariff, such lower charges accruing under class rates will apply.

§ 1304.8 Cancellations.

(a) *Tariff or supplement to tariff shall specify cancellations.* If a tariff or supplement to a tariff is issued which conflicts with a part of another tariff or supplement to the same or another tariff which is in force at the time, and which is not thereby canceled in full, it shall specifically state the portion of such other tariff or such other supplement which is thereby canceled, and such other tariff shall at the same time be correspondingly amended, effective on the same date, in the regular way. Such amendment must state where rates will thereafter be found, and must be filed at the same time and in connection with the tariff which contains the new rates. It will not be necessary to give on commodity tariff or supplement reference to merchandise tariffs that may be affected, nor to give on merchandise tariffs or supplements reference to commodity tariffs, except as provided in § 1304.28.

(b) *Cancellation must be by authorized agent or by express company that issued the tariff canceled.* An agent who acts under power of attorney is fully authorized to act for the express companies that have named him their agent and attorney, and, therefore, it is permissible for him to cancel by his tariffs issues of such principals.

An express company may not by its individual tariff cancel, amend, or modify a tariff filed by a duly authorized agent, except when corresponding amendment to such agent's tariff is filed at the same time and as per paragraph (a) of this section.

(c) *Concurrence does not confer authority to cancel.* A concurrence does not confer authority upon either express company or agent to cancel tariffs of concurring express company, and, therefore, tariffs issued under concurrences may not assume to cancel, or carry notation of cancellation of tariffs of and issued by concurring express companies. Such cancellations must be made by the express company that issued the tariff that is to be canceled.

(d) *Cancellation notice must be by supplement.* If a tariff is canceled with the purpose of canceling entirely the rates named therein, or when, through error or omission, a later issue failed to cancel the previous issue and a tariff is canceled for the purpose of perfecting the records, the cancellation notice must not be given a new ICC number, but must be issued as a supplement to the tariff which it cancels, even though such tariff may at the time have the full number of supplements permitted by § 1304.9(m).

(e) *Cancellation notice shall specify where rates will thereafter be found.* When a tariff or a rate is canceled by supplement, the cancellation notice must show where rates or rate will thereafter be found or what rates or rate will thereafter apply. For example: "Rate in ———, ICC No. ———, will apply," or "Classification ratings will apply," or "Combination rate will apply," or "No. rates in effect."

If a tariff is canceled with the purpose of applying in lieu thereof the rates shown in some other tariff, the cancellation notice shall make specific reference to the ICC number of tariff in which such rates will thereafter be found. Cancellation of a tariff also cancels supplements to such tariff, if any in effect. If a tariff is canceled by the issuance of a similar tariff to take its place, cancellation notice must not be given by supplement, but by notice printed in new tariff, as provided in § 1304.3(b).

(f) *Cancellation of an item must be under the same item number.* Where the items in a tariff or a supplement are designated by item numbers the cancellation of an item must be under the same item number; for example, item 41-A cancels, item 41. If a canceled item or any part thereof is taken up and thereafter carried in another item of different number, the cancellation must be carried under the original item number and must show in what item or items the effective rates are to be found, and the cancellation of the item in the original tariff or supplement must be brought forward in successive supplements as a reissued item as long as the cancellation is in force.

CROSS REFERENCES: For general provisions relating to concurrences and powers of attorney, see § 1304.24. For provisions governing powers of attorney and concurrences applicable to express-motor rates, see § 1304.109.

§ 1304.9 Amendments and supplements.

(a) *Definition; form.* A change in or addition to a tariff shall be known as an amendment, and, excepting as provided in §§ 1304.1, 1304.5, shall be issued in a supplement to the tariff and shall refer to the page or pages or item or items of the tariff, or of previous supplement which it amends.

An amended item must always be printed in supplement in its entirety as amended.

A supplement shall contain either a list of carriers participating therein, or shall state that the list of participating carriers is "as shown in tariff."

(b) *Numbering of supplements; cancellations.* Supplements to a tariff shall be numbered consecutively as supplements to that tariff, and must not be given separate or new ICC numbers. Each supplement shall specify the supplement or supplements which it cancels, and shall also show on title-page what supplements contain all changes from original tariff that are in effect. For example:

"Supplement No. ——— to ICC ———." "Cancels Supplements Nos. —— and ——." "Supplements Nos. —— and —— contain all changes from original tariff that are in effect on date hereof." The term "cancels conflicting portions" must not be used.

(c) *Show effective date of reissued items and ICC reference.* A tariff which contains reissued items brought forward from a previous issue which has not been in effect 30 days, or a supplement which brings forward reissued items without change from a former supplement or tariff, must bear the notation: "Effective ———— except as noted in individual items." Example: "Issued ————, 19—, Effective ——————, 19—, except as noted in individual items." Reissued items brought forward without change must show in conspicuous form and convenient manner the following: "Reissue (in black-face type); effective [date upon which item became effective] in ICC No. ——" or "in Supplement No. —— to ICC No. ——." When the reissued item became effective in a former supplement to the same tariff the ICC number of the tariff may be omitted, but the supplement number must be given.

Items reissued from publications that were on file prior to August 1, 1908, may show last date and reference prior to August 1, 1908.

(d) *Amendments to loose-leaf tariffs; no supplement.* All changes in and additions to tariffs issued in loose-leaf form must be made by reprinting both pages of the leaf upon which change is made. Changes or additions made must be indicated as provided in § 1304.2 and when no change or addition is made in one of the pages reprinted it must bear notation "No change in this page." Such pages must not be given supplement numbers, but must be designated "First revised page ——," "Second revised page ——," etc., must show the ICC number of the tariff, the issued and effective dates, and the name, title, and address of officer by whom issued.

(e) *Supplement to periodical tariffs.* If a tariff provides that it will be reissued periodically at specified times, not more than 6 months apart, and the life of the tariff does not exceed 6 months, and such provision is strictly observed, supplements to such tariff may contain all amendments thereto between such specified dates for reissue, without limit as to size. Such tariff must bear on upper left-hand corner of title-page notation "This tariff will be reissued effective on or before ——————, 19——."

(f) *Index to supplement.* A supplement of five or more pages must have an index of the matter which it contains, and a supplement of more than 23 pages must also contain a table of contents.

(g) *Supplement to tariff that is filed and not yet effective.* If a tariff is filed on statutory notice canceling another tariff and after such filing and prior to the effective date of such new tariff a supplement to the tariff to be so canceled should be lawfully issued, rates in that supplement could not continue in effect for the 30 days required by law because the cancellation of the tariff also cancels supplements to it. In such a case supplements containing changes not included in the tariff that is to become effective may be issued as supplements both to the tariff in effect and to the tariff on file that will effect such cancellation, and be given both ICC numbers. In other words, such issue must be a supplement to each of the tariffs, and copies must be filed accordingly. A supplement issued under this section containing reissued items shall note in connection with each of such items, in addition to the date effective as required by the section, that the reissued items expire on the date at which the new tariff becomes effective, and that the new tariff will apply in lieu thereof; and such reissued items must not be brought forward in subsequent supplements to the new tariff. Such supplement may not contain any changes except those lawfully made by supplement to the tariff which is to be canceled by the tariff that has been filed and that is also so supplemented; and no other kind of supplement to a tariff that is on file and not yet effective may be made effective within 30 days from the effective date of the tariff without special permission.

The provisions of paragraph (m) of this section as to the number of supplements to a tariff that may be in effect at any time, and the volume of supplemental matter they may contain must be observed in connection with supplement issued under this paragraph.

(h) *Action when express company is absorbed.* In case of change of ownership or control of an express company, the express company whose line is absorbed, taken over, or purchased by another company shall unite with that other express company in common supplements to the tariffs on file with the Commission, on the one hand withdrawing and on the other hand accepting and establishing such tariffs and all effective supplements thereto. Such common supplements shall be executed jointly by the traffic officers of both the old and the new express companies, shall be numbered consecutively as supplements to the tariffs to which they are directed, and may be made effective on 5 days' notice to the public and the Commission by noting thereon reference to this section. Such common supplements will not be counted against the number of supplements permitted to such tariff under paragraph (m) of this section. Amendments to such tarifis must thereafter be filed in consecutively numbered supplements thereto until the tariffs are reissued. New tariffs reissuing or superseding these shall be numbered in the ICC series of the new express company.

When an express route or a part of an express route is transferred from the operating control of one company to that of another, or when its name is changed, the existing tariffs issued by the express company that surrenders control must be withdrawn by it and adopted by the express company assuming control, as provided in paragraph (g) of this section.

(i) *Adoption of tariffs issued by other express companies or joint agents, and of concurrences, power of attorney.* As to tariffs issued by other express companies or joint agents under concurrences or powers of attorney granted by the old express company, the new express company shall, if it intends to use such tariff publications and rates, issue, file, and post, with ICC number, an adoption notice, substantially as follows:

> The [name of express company] hereby adopts, ratifies, and makes its own, in every respect as if the same had been originally filed and posted by it, all tariffs, rules, notices, concurrences, traffic agreements, divisions, authorities, powers of attorney, or other instruments whatsoever, filed with the Interstate Commerce Commission by the [name of old express company] prior to [date] the beginning of its possession. By this tariff it also adopts and ratifies all supplements or amendments to any of the above tariffs, etc., which it has heretofore filed with said Commission.

This notice may be made effective and be filed on immediate notice.

Similar adoption notice must be filed by a receiver when assuming possession and control of an express company.

Concurrences and powers of attorney so adopted by an express company must, as soon as possible, be replaced and superseded by new concurrences and powers of attorney issued by and in the name of the new express company, and in each instance canceling the concurrence or power of attorney superseded.

The express company surrendering control of the express route has no lawful right to abandon its tariffs except on lawful notice, and when it surrenders control of the said route it surrenders all right to publish rates applicable thereover except under proper authority from the express company to whose control the route passes. The public has a right to available and lawfully applicable rates over that route.

(j) *Suspension of tariff publications containing increased rates.* When the Commission, under authority of section 15 of the Interstate Commerce Act, as amended, suspends the operation and defers the use of a tariff or classification, rate, charge, regulation, or practice, the following course shall be pursued by express companies:

Upon receipt of order of suspension of any publication in its entirety the express company or agent publishing and filing such schedule shall immediately file with the Commission a supplement stating that such schedule is under suspension and may not be used until further and proper notice, or until such specified date as the suspension order of the Commission may name, and that rates theretofore in effect and which were to be changed by the suspended publication will remain in effect. Such supplement shall state by ICC number or numbers the tariff or tariffs in which rates, classifications, charges, or regulations so restored will be found.

Upon receipt of order of suspension of parts of a publication which, except as to such parts, is allowed to become effective, the express company or agent publishing and filing such schedule shall immediately file with the Commission a supplement containing a copy of the Commission's order of suspension and stating that the part or parts of such schedule specified in the order are under suspension and may not be applied or charged until further notice, or until such specified date as the suspension order of the Commission may name. Such supplement shall also give reference by ICC number or numbers to the tariff or tariffs in which the rates, classifications, charges, or regulations applicable during the period of suspension will be found.

The title page of every suspension supplement issued under authority of this section must bear date of issue, but no effective date, inasmuch as the suspension is effective from the date of filing and serving the Commission's suspension order.

When the Commission vacates an order of suspension made by it under authority of section 15 of the act, as amended, the express company or agent who published and filed such suspended tariff or supplement shall immediately file with the Commission a supplement stating the date upon which, under the terms of the vacating order, the rate, classification, charge, regulation, or practice becomes effective.

Every suspension or vacating supplement issued under authority of this section must bear on title page the following notation:

> Issued under authority of rule 9(j) Tariff Circular 19-A and in compliance with Investigation and Suspension Order No. —— of the Interstate Commerce Commission of [date] 19——.

Such supplements will not be counted against the number of supplements permitted to such tariff under paragraph (m) of this section.

Every supplement issued under this section must be forthwith posted in every depot, station, office, or other place where the schedule affected by the order of suspension or vacation is posted, and should be given the same general distribution.

As an assistance in taking care of the ordinary changes in rates which may be necessary during the period of suspension of an entire tariff, the tariff remaining in effect as a result of such postponement may be further amended without regard to the Commission's rule as to the volume of supplemental matter which the effective supplements in the aggregate may contain.

A new or changed rate, rule, or regulation made effective during the period of suspension shall remain in force for the statutory period of 30 days.

No change may be made in a tariff or supplement which has been suspended in its entirety except by special permission of the Commission.

When a 6 months' tariff or a supplement to a 6 months' tariff is suspended in its entirety by the Commission, the previous tariff and effective supplements will remain in force until lawfully changed or reissued, and the fixed period for the reissue of such 6 months' tariff may be deferred for the period of suspension of the increases in the tariff or supplements thereto.

The title page of the 6 months' tariffs referred to above should be corrected by supplement to announce that the tariff will not be reissued prior to [date to which suspended] 19——.

(k) *Authority to make effective reduced items appearing in suspended schedules.* When the Commission, under authority of section 15 of the Interstate Commerce Act, as amended, suspends the operation and defers the use of a schedule which contains both increases and reductions in rates, charges, classifications, or regulations, the reduced rates, charges, classifications, or regulations therein named may be made effective on 1 day's notice to the Commission and to the public, prior to and effective upon the date the new schedule was intended to take effect, by the publication and filing of a supplement to the tariff continued in force by reason of such suspension, or in a new tariff. A supplement or tariff issued under authority of this section shall bear upon its title page the following notation:

Issued by authority of rule 9(k), Interstate Commerce Commission Tariff Circular 19-A.

CROSS REFERENCES: For amendments, as provided in Rule 20 of the General Rules of Practice (§ 1100.22 of this chapter). For general provisions relating to concurrences and powers of attorney, see § 1304.24. For requests for permission to amend tariffs on less than statutory notice, see § 1304.31. For powers of attorney and concurrences applicable to express-motor rates, see § 1304.109.

(l) [Reserved]

(m) *Number of supplements effective at any time; amount of matter supplements may contain.* Except as authorized in § 1304.8(d), and paragraphs (h) and (j) of this section, a tariff containing the number of pages indicated under Column 1 may have in effect at any time not more than the number of supplements and the volume of supplemental matter shown opposite thereto in Columns 2 and 3, respectively.

Column 1, pages	Column 2, Supplements	Column 3, volume (No. of pages)
1 but not more than 4	1	4.
5 but not more than 12	1	2.
13 but not more than 16.	1	
17 but not more than 80.	2	33⅓ percent of the number of pages in the tariff.
181 but not more than 200.		
	3	
Over 200	4	

Tariffs of 13 or more pages: When the number of pages in the supplement which brings the volume of matter up to that authorized in Column 3 is not evenly divisible by four, that supplement may exceed the volume authorized to the extent of using additional pages within the next multiple of four. The smallest of three effective supplements to a tariff of more than 80 but not more than 200 pages shall contain not more than eight pages, and the smallest of four effective supplements to a tariff of more than 200 pages shall contain not more than 16 pages.

§ 1304.10 Charges to be shown; distance tariffs.

(a) In all cases where a charge in addition to tariff rate is made for icing, lighterage, or switching, the express company shall either specify such charge in the tariff or refer to ICC number of the tariff wherein such additional charge will be found.

(b) It is permissible for an express company, or for two or more express companies, to issue a tariff containing distance or mileage merchandise or scale rates or commodity rates for use in determining rates on its, or their, own lines; but in such cases the distance or mileage merchandise or scale rates may be used only when no other rates of like class are provided, and the distance or mileage commodity rates may be used only when no other commodity rates are provided.

Each tariff that contains distance or mileage merchandise or scale rates only must bear on its title page the following rule:

> Merchandise or scale rates shown herein may be used only when no specific merchandise or scale rates have been provided. They may not be used either by themselves or in combination in preference to any specific merchandise or scale rate.

Each tariff that contains distance or mileage commodity rates only must bear on its title page the following rule:

> Commodity rates shown herein may be used only when no specific commodity rates have been provided. They may not be used either by themselves or in combination in preference to any specific commodity rate.

(c) Every express company that uses a distance tariff, which is or may be used in connection with rates on interstate shipments, must incorporate therein an official list of all the offices in connection with which the tariff may apply, showing in proper arrangement the distances between them; or must give therein reference by ICC number to its issue that contains such list.

§ 1304.11 Index of tariffs.

Each express company shall publish under proper ICC number, post, and file a complete index of tariffs which are in effect and to which it is a party. Such index shall be prepared in sections as follows and shall show: (a) ICC number; (b) express company's own number; (c) index number; (d) initials of issuing express company or agent; (e) issuing express company or agent's number; (f) character of tariff or description of the articles upon which it applies; (g) where tariff applies from; (h) where tariff applies to.

NOTE: Items (b), (c), and (e) may be omitted. Items (f), (g), and (h) will be stated in concise general terms.

First section: A list of all the tariffs as to which the express company is an initial carrier. Commodity tariffs to be entered alphabetically under names of commodities or principal commodities. Tariffs applying to different groups of the same commodity must be grouped together; e.g., "Fruits," etc.

Following the specific commodity tariffs will be entered the general commodity tariffs and the merchandise tariffs. Under each of these heads the application of the tariffs will be described by alphabetical arrangement of the offices or territory from or to which they apply in either the "From" or "To" column. Tariffs applying between a certain office and other offices will be listed in alphabetical order of offices for which constructed and index must indicate which tariffs apply "between."

Second section: List of all tariffs under which the express company is an intermediate or terminal carrier, arranged under commodities or merchandise as prescribed in the first section. Tariffs under which the express company is a delivering carrier or an intermediate carrier, or both, must be so indicated.

Third section: A complete list of the numbers of tariffs of its own ICC series arranged in numerical order.

If express company so desires, lists of its intrastate tariffs, division sheets, official circulars, etc., may appear in this publication. In connection with intrastate tariffs a reference mark must be used with explanation: "Rates in this tariff do not apply to interstate shipments." Supplements to tariffs need not be included in indexes.

If any changes are made, the index must be revised to date, either by reissue each month or by supplement each month and reissue every 12 months. If supplements are used, they must be constructed in accordance with specifications as to construction of index and shall show, under the respective headings, "additions, changes, and cancellations" made in index or canceled supplement thereto.

Each index must bear on its title-page notations, as follows: "This index contains lists of tariff publications in effect on [date of issue of index];" to which may be added "or which have been filed to become effective at a later date as shown within." If supplements to index will not be used, "No supplement to this index will be issued;" if supplements will be used, "This index will be reissued on or before ————————, 19—, and supplements will be issued each month in which change is made.

Each supplement to index must bear on title-page the notation "Supplements Nos. —— and —— contain corrections to and as in effect on [date of issue of supplement];" to which may be added, "or which have been filed to become effective at a later date as shown within."

NOTE: As to indexes now on file which bear notation as to the number of supplements that may be issued thereto and which do not bear notation that they will be reissued on or before a specified date, the rule heretofore in effect as to supplements must be continued. Such indexes may be brought within the provisions of the above rule as to supplements by reissue.

A specified date for reissue stated on an index now on file must be observed.

The title page of index or of supplement must show the date of issue thereof, which must correspond to date shown in notations above and must not bear an effective date. The section requiring 30 days' notice does not apply to these indexes and their supplements.

§ 1304.12 Tariffs to or from season or summer offices.

Tariffs of rates applying to or from offices at which business is transacted only during certain portions of the year, or tariffs applying over water routes during season of navigation only, shall remain in force until changed in the manner provided by the regulations in this part, and it will not be necessary to refile with the Commission the rates in force to or from such office or over such route, temporarily closed, when it is reopened. Three days' previous notice of the opening and closing of any summer or season office or water route must be filed with the Commission and duly posted, in supplement to the tariff. All offices where rates are temporarily in effect shall be designated in tariffs as "summer" or "season" offices.

§ 1304.13 Filing of tariffs.

(a) *Authority to file.* Tariffs, classifications, and exception sheets and supplements thereto shall be filed with the Commission by proper officer of the express company or by an agent designated to perform that duty, and concurrence of every carrier amenable to the Interstate Commerce Act participating therein must be on file with the Commission or accompany the tariff or supplement. If an express company authorizes an agent to file its tariffs or classifications and exception sheets and supplements thereto, or certain of them, official notice of such authorization and of acceptance of responsibility by the express company for his acts, in form as hereinafter specified, must be filed with the Commission.

Such notice may be revoked by an express company upon 30 days' official notice to the Commission, or at any time be transferred to another agent by filing with the Commission notice of such transfer, accompanied by full-form authorization for the newly named agent.

(b) *Authorizations for agent and concurrences in his tariffs must be on file.* If two or more express companies appoint the same person as agent for the filing of tariffs or classifications and supplements thereto, each of them will be required to file with the Commission power of attorney in form prescribed appointing him their agent; and the concurrence of every other carrier amenable to the Interstate Commerce Act, participating in any tariff or classification or supplement thereto which is filed by him must be on file with the Commission or accompany the tariff.

(c) *Use his own ICC serial number.* Such joint agent duly authorized to act for several express companies must file joint tariffs or classifications or exception sheets under ICC serial numbers of his own.

(d) *Tariffs issued by an express company under concurrences will be filed.* Tariffs issued by an express company under its ICC numbers may include, under proper concurrences shown therein, rates via, and to and from points on other express companies' lines and concurring express companies may use such tariffs for posting at their offices. Such tariff must be filed by the issuing express company and such filing will constitute filing for all lawfully concurring carriers.

(e) *Send copies of joint publication to every participant.* The agent or the express company that issues a joint tariff publication shall at once send copies thereof to each and every carrier that is named as party thereto.

(f) *Must not publish rates conflicting or duplicating.* An express company that grants authority to an agent or to another express company to publish and file certain of its rates must not in its own publications publish rates that duplicate or conflict with those which are published by such authorized agent or other express company.

(g) *All State or other rates used for interstate shipments must be posted and filed.* Rates for through shipments are often made by adding together two or more rates. All State or other rates used in combination for interstate shipments must be posted at offices and filed with the Commission, and can only be changed as to such traffic in accordance with the terms of the act.

Cross Reference: For general provisions relating to powers of attorney and concurrences, see § 1304.24.

§ 1304.14 General provisions in connection with filing.

(a) The act requires that all changes in rates, or in rules that affect rates, shall be filed with the Commission at least 30 days before the date upon which they are to become effective. Manifestly it is impossible for the Commission to check the items in tariffs to determine whether or not the statutory notice has been given. The title page of every tariff must show full 30 days' notice, or must bear a plain notation of the number and date of the permission, or the rule, or the decision of the Commission under which it is effective on less than statutory notice.

(b) The law affirmatively imposes upon each express company the duty of filing with the Commission all of its tariffs and amendments thereto, as prescribed in the law or in any rule relative thereto which may be announced by the Commission, under penalty for failure so to do, or for using any rate which is not contained in its lawfully published and filed tariffs. The Commission will give such consistent assistance as it can in this respect, but the fact that receipt of a tariff, or supplement to a tariff, is acknowledged by the Commission, or the fact that a tariff, or supplement to a tariff, is in the files of the Commission, will not serve or operate to excuse the express company from responsibility or liability for any violation of the law, or of any ruling lawfully made thereunder, which may have occurred in connection with the construction or filing of such tariff or supplement.

(c) Thirty days' notice to the public and to the Commission is required as to every publication which it is necessary for an express company to file with the Commission regardless of what changes may or may not be effected thereby.

(d) No tariff or supplement will be accepted for filing unless it is delivered to the Commission, free from all charges or claims for postage, the full 30 days required by law before the date upon which such tariff or supplement is stated to be effective. No consideration will be given to or for the time during which a tariff or supplement may be held by an express company for charges, or by the Post Office Department because of insufficient postage. A tariff or a supplement that is received by the Commission too late to give the Commission the full 30 days' notice required by law will be returned to sender, and correction of the neglect or omission cannot be made which takes into account any time elapsing between the date upon which such tariff or supplement was received and the date of attempted correction. In other words, when a tariff or a supplement is issued, and as to which the Commission is not given the statutory notice, it is as if it had not been issued, and full statutory notice must be given of any reissue thereof. No consideration will be given to telegraphic notices in computing the 30 days' notice required. For tariffs and supplements issued on short notice under special permission of the Commission full 30 days' notice is not required, but literal compliance with the requirements for notice named in any permission granted by the Commission will be exacted and in accord with the policy and practice above outlined.

(e) Any tariff or schedule, tendered for filing, which fails to give lawful notice of changes in rates, charges or other provisions which it proposes to establish, or which fails to meet the requirements of the regulations contained in this chapter, or violates any order of the Commission or of a court, is subject to rejection by the Commission. When a tariff or schedule is rejected, the Commission, acting through a designated administrative officer, will inform the carrier or the agent who tendered it for filing, in writing, of the reasons for rejection, and will return the rejected tariff or schedule to such carrier or agent.

The number assigned to a tariff or schedule which has been rejected may not again be used. The rejected tariff or schedule may not be referred to in any subsequent tariff or schedule as having been canceled, amended or withdrawn, but the tariff or schedule which is published in its stead must bear the following notation: "Issued in lieu of (here identify the rejected schedule or tariff), rejected by the Commission."

A notice of the revocation, complete or partial, of a concurrence or power of attorney which, if it were to become effective, would require the establishment of rates, fares, or charges in violation of an order of the Commission or of a court, or of the regulations in this chapter, may be rejected in the same manner as a tariff or schedule, and any such notice of revocation which would require the establishment of rates, fares, or charges of doubtful lawfulness may be suspended.

(f) Rates prescribed by the Commission in its decisions and orders after hearings upon formal complaints shall, in every instance, be promulgated by the carriers against which such orders are entered in duly published, filed, and posted tariffs, or supplements to tariffs, and notice shall be sent to the Commission that its order in case No. —— has been complied within item ——, page —— of ———— tariff, ICC No. ——, or supplement —— to ———— tariff, ICC No. ——.

In establishing rates or regulations under an order of the Commission in a formal case, carrier or carriers that are actually and on the record parties to the case, or that are lawful parties to a joint tariff in which the rate or regulation that is prescribed is published by some carrier that is party to the case, may include in the change or changes made in compliance with the Commission's order commodity or commodities that are grouped with that or those which are specified in the order; and may also include adjustment at other points in order to preserve established grouping or relation of points, and may also include adjustment of rates to same points on other commodities for the purpose of maintaining established relation of rates between commodities: *Provided,* All such changes made by authority of this section shall be effected by reductions in rates or charges.

If carrier that is not so party to the case or to the joint tariff desires to make on less than statutory notice the same changes that are made under the order by carrier that is party to the same, it must secure special permission so to do.

Unless otherwise specified in the order in the case, such tariff or supplement may be made effective upon 5 days' notice to the Commission and to the public, and if made effective on less than statutory notice, either under this section or under special authority granted in the order in the case, shall bear on its title-page notation "In compliance with order of Interstate Commerce Commission in case No. ——."

If the order of the Commission affects any individual item or items in a tariff, above notation shall be shown in connection with said item or items and shall be repeated in each reissue thereof during the period of effectiveness of the Commission's order.

(g) Circulars announcing or explaining the attitude and course of express companies under injunction of a court, relating to tariff rates or regulations, must not be issued as supplements to tariffs nor given ICC numbers unless they are issued on statutory notice or under special permission from the Commission for shorter time. The

Commission will, however, be pleased to have copies of such circulars and the information therein contained.

(h) Tariffs bearing ICC numbers (not standard ICC designations) are presumed to be numbered consecutively, and tariffs bearing standard ICC designations (not ICC numbers) (see § 1304.43—ICC Numbering Systems) are required to have alphabetical suffixes in sequence affixed to the ICC designations when the tariffs are reissues of prior tariffs bearing standard ICC designations. Occasionally a tariff or supplement is received which does not bear an ICC number or alphabetical suffix next in order to that borne by the one last filed. This is sometimes occasioned by the missing number or letter having been assigned to a tariff that is in course of preparation. Request is made that insofar as is possible express companies will file tariffs and supplements in consecutive order. If from any cause this is not done in any instance, the tariff or supplement which is not numbered or lettered consecutively with the publication last filed must be accompanied by a memorandum explaining as to the missing number or letter.

(i) Express companies and their agents are directed, in filing schedules in compliance with the statute, to transmit two copies of each tariff, supplement, classification, or other schedule of rates or regulations, for the use of the Commission, both copies to be included in one package and under one letter of transmittal.

Tariffs sent for filing must be addressed "Interstate Commerce Commission, Section of Tariffs, Washington, D.C. 20423."

CROSS REFERENCES: For letter of transmittal, see § 1304.25. For filing of tariffs under amended fourth section of the act, see § 1304.39. For filing of local and joint express-motor rates, see § 1304.102.

[32 FR 20558, Dec. 20, 1967, as amended at 43 FR 8536, Mar. 2, 1978]

§ 1304.15 Issuance of classification by joint agent.

(a) An express company may grant to a joint agent authority to publish and file for it classification and supplements thereto and exceptions to the classification; or, such exceptions may be published by the express company in its own issues, either as parts of individual tariffs or in a publication that is given an ICC number that is filed and posted as required, and that is devoted to such exceptions. (See § 1304.3(e).) Such exceptions and changes therein may be made only on statutory notice or under special permission for shorter time.

Insofar as is reasonably practicable exceptions should be included in the tariff which they affect.

A joint agent to whom express companies have extended authority under power of attorney to publish and file classification and supplements thereto must issue them under his own ICC numbers; must show in the classification a list of the express companies for which he acts under power of attorney, giving as to each the EX1 number of such authority, and must file the classification and supplements thereto on behalf of all the express companies that have so authorized him to act for them; and such express companies will not file for themselves the classification or supplements thereto. The provisions of the law as to statutory notice must be observed in the issuance of supplements or reissue of the classification.

(b) If an express company fails to authorize an agent to file the classification for it and undertakes to file it for itself it is bound by the terms of the law as to notice of change and date of filing, both as to the classification and each supplement thereto.

A full list of participating express companies shall be shown in supplements.

(c) In giving power of attorney for this purpose the form shown in § 1304.16 may be modified by striking out from line 5 the word "tariffs," and, if desired, from line 6 the words "and exception sheets."

If an express company has given another express company concurrence EX4, under which it concurs in classification which that other express company or its agent may make and file, the express company to which that concurrence is given may exercise the authority by its lawfully appointed agent, and the express company which gave the authority be shown in the publication as participant under the form and number of its concurrence.

§ 1304.16 Form of appointment of agent.

The following form, on paper 8 by 10½ inches in size, will be used in giving authority to an agent to file for the express company giving the authority, tariffs and supplements thereto. Such authority must not be given to an association or bureau, and it may not contain authority to delegate to another power thereby conferred.

This form may be modified so as to confer the authority desired by omitting the words "(1) for it alone, and (2)," or by omitting the words "and (2) for it jointly with other express companies."

If two or more express companies execute this form containing the words "for it jointly with other express companies" in favor of a joint agent it will not be necessary for those express companies to exchange concurrences with each other as to the joint tariffs issued by that joint agent under that authority.

TO BE FILED WITH THE INTERSTATE COMMERCE COMMISSION

[Name of express company in full]

[Date] ————, ——.

Form EX1—No. —.

Know all men by these presents:

That the [name of express company] has made, constituted, and appointed, and by these presents does make, constitute, and appoint [name of person appointed] its true and lawful attorney and agent for the said company and in its name, place, and stead, (1) for it alone, and (2) for it jointly with other express companies, to file tariffs, classifications, and exception sheets and supplements thereto, as required of common carriers by the act to regulate commerce and by regulations established by the Interstate Commerce Commission thereunder for the period of time the traffic and the territory now herein named:

————————————————

————————————————

And the said [name of express company] does hereby give and grant unto its said attorney and agent full power and authority to do and perform all and every act and thing above specified as fully to all intents and purposes as if the same were done and performed by the said company, hereby ratifying and confirming all that its said agent and attorney may lawfully do by virtue hereof, and assuming full responsibility for the acts and neglects of its said attorney and agent hereunder.

In witness whereof the said company has caused these presents to be signed in its name by its ———— president and to be duly attested under its corporate seal by its secretary, at ————, in the State of ————, on this ———— day of ————, in the year of our Lord nineteen hundred and ————.

THE [name of express company],

By ————————————,

Its ———— President.

Attest:

————————,

Secretary.

[CORPORATE SEAL]

The express company issuing this form will file the original with the Commission and will furnish duplicate to the agent to whom power of attorney is given.

For concurrence in tariffs issued and filed by another express company or its agent forms prescribed in §§ 1304.17 to 1304.23 will be used.

§ 1304.17 Form of concurrence, EX2.

The following form will be used in giving concurrence in a tariff that is issued and filed by another express company or its agent and to which the express company giving concurrence is a party. If given to continue until revoked, it will serve as continuing concurrence in the tariff described in the concurrence and all supplements to and reissues thereof. If provisions for concurrence to continue until revoked is stricken out, a new concurrence will be required with each supplement or reissue.

TO BE FILED WITH THE INTERSTATE COMMERCE COMMISSION

[Name of express company in full]

[Date] ————, ——.

Form E-2—No. ——.

To THE INTERSTATE COMMERCE COMMISSION,
WASHINGTON, D.C. 20423:

This is to certify that the [name of express company] assents to and concurs in the publication and filing of the rate schedule described below, together with supplements thereto and reissues thereof which the named issuing express company or its agent may make and file, and hereby makes itself a party thereto and bound thereby, until this authority is revoked by formal and official notices or revocation placed in the hands of the Interstate Commerce Commission and of the express company to which this concurrence is given.

Title and number: [Here give exact description of title of schedule, including number and name of series.]

Date of issue: ————————, ——.
Date effective: ————————, ——

Issued by [Official.]
[Company.]
[Name of express company.]
By [Name of officer.]
[Title of officer.]

This form will be filed with the Commission by the express company or agent who files the tariff and will accompany the tariff.

§ 1304.18 Form of concurrence, EX3.

Concurrence may be given by any express company to embrace all tariffs issued by another express company or its agent in which the concurring express company is shown as a participating intermediate or delivering line, after the following form:

TO BE FILED WITH THE INTERSTATE COMMERCE COMMISSION

[Name of express company in full]

[Date] —————, ——.

Form EX3-No. ——.

To THE INTERSTATE COMMERCE COMMISSION, WASHINGTON, D.C. 20423:

This is to certify that the [name of express company] assents to and concurs in the publication and filing of any rate schedule or supplement thereto which the [name of express company] or its agent may make and file, in which it is shown as a participating express company, and hereby makes itself a party to and bound thereby in so far as such schedule contains rates applying via its line and to, but not from, points thereon, until this authority is revoked by formal and official notices of revocation placed in the hands of the Interstate Commerce Commission and of the express company to which this concurrence is given.

[Name of express company.]
By [Name of officer.]
[Title of officer.]

The express company issuing this form will file the original with the Commission and will furnish duplicate to the express company to which concurrence is given. This form must not be qualified in any way except to show what agents have been given power of attorney and to provide that tariffs shall not be issued under the concurrence covering traffic provided for in tariffs issued by such agents.

§ 1304.19 Form of concurrence, EX4.

Concurrence may be given by an express company in tariffs issued by another express company or its agent applying rates to or from its offices or via its lines, on certain described traffic or between certain described points or territories, after the following form, modified as may be necessary to confer exactly the authority intended to be granted. For granting authority to publish and file rates to and from and via its lines, and not otherwise qualified, express company will use concurrence from EX5 or EX7, as per §§ 1304.20 and 1304.22.

TO BE FILED WITH THE INTERSTATE COMMERCE COMMISSION

[Name of express company in full]

[Date] —————, ——.

Form EX4—No. ——.

To THE INTERSTATE COMMERCE COMMISSION, WASHINGTON, D.C. 20423:

This is to certify that the [name of express company] assents to and concurs in the publication and filing of any rate schedule or supplement thereto which the [name of express company] or its agent may make and file and in which this company is shown as a participating express company, and hereby makes itself a party to and bound thereby in so far as such schedule contains rates applying upon ————; or between ———— and ————; or from ———— to ————; or via ————; until this authority is revoked by formal and official notices of the revocation placed in the hands of the Interstate Commerce Commission and of the express company to which this concurrence is given.

[Name of express company.]
By [Name of officer.]
[Title of officer.]

The express company issuing this form will file the original with the Commission and will furnish duplicate to the express company to which concurrence is given.

§ 1304.20 Form of concurrence, EX5.

Concurrence may be given by an express company in tariffs issued by another express company or its agent applying rates to and from its offices and via its liens and after the following form:

TO BE FILED WITH THE INTERSTATE COMMERCE COMMISSION

[Name of express company in full]

[Date] ————, ——.

Form EX5—No. ——.
To the Interstate Commerce Commission,
Washington, D.C. 20423:

This is to certify that the [name of express company] assents to and concurs in the publication and filing of any rate schedule or supplement thereto which the [name of express company] or its agent may make and file, and in which this company is shown as a participating express company, and hereby makes itself a party to and bound thereby in so far as such schedule contains rates applying to and from offices on its lines, and via its lines, until this authority is revoked by formal and official notices of revocation placed in the hands of the Interstate Commerce Commission and of the express company to which this concurrence is given.

[Name of express company.]
By [Name of officer.]
[Title of officer.]

The express company issuing this form will file the original with the Commission and will furnish duplicate to the express company to which concurrence is given. This form must not be qualified in any way, unless to show what agents have been given powers of attorney and to provide that tariffs shall not be issued under the concurrence covering traffic provided for in tariffs issued by such agents.

§ 1304.21 Form of concurrence, EX6.

If two or more express companies appoint the same person as agent for the publication and filing of tariffs and supplements thereto under powers of attorney for EX1, concurrence in tariffs issued by him under such authority may be in the following form:

TO BE FILED WITH THE INTERSTATE COMMERCE COMMISSION

[Name of express company in full]

[Date] ————, ——.

Form EX6—No. ——.
To the Interstate Commerce Commission,
Washington, D.C. 20423:

This is to certify that the [name of express company] assents to and concurs in the publication and filing of any rate schedule or supplement thereto which the [here give list of all express companies for which the agent has powers of attorney], or either or any of them, may make and file through their agent and attorney [name of agent], and in which it is shown as a participating express company, and hereby makes itself a party to and bound thereby in so far as such schedule contains rates applying via its line, and to but not from points thereon, until this authority is revoked by formal and official notices of revocation placed in the hands of the Interstate Commerce Commission and of the express companies to which this concurrence is given, or of their agent and attorney herein named.

[Name of express company.]
By [Name of officer.]
[Title of officer.]

The express company issuing this form will file the original with the Commission and will furnish duplicate to each of the express companies named in the concurrence, or, if each of those express companies has given said agent power of attorney to receive for it concurrences, original will be filed with the Commission and one duplicate may be filed with such agent instead of furnishing duplicates to each and every express company represented by him.

§ 1304.22 Form of concurrence, EX7.

If two or more express companies appoint the same person as agent for the publication and filing of tariffs and supplements thereto, under powers of attorney from EX1, concurrence in tariffs issued by him under such authority may be in the following form:

TO BE FILED WITH THE INTERSTATE COMMERCE COMMISSION

[Name of express company in full]

[Date] ————, ——.

Form EX7—No. ——.
To the Interstate Commerce Commission,
Washington, D.C. 20423:

This is to certify that the [name of express company] assents to and concurs in the publication and filing of any rate schedule or supplement thereto which the [here give list of all express companies for which the agent has powers of attorney], or either or any of them may make and file through their agent and attorney [name of agent], and in which it is shown as a participating express company, and hereby makes itself a party to and bound thereby insofar as such schedule contains rates applying via its line, and to and from points thereon, until this authority is revoked by formal and official notices of revocation placed in the hands of the Interstate Commerce Commission and of the express companies to which the concurrence is given, or of their agent and attorney herein named.

[Name of express company.]
By [Name of officer.]
[Title of officer.]

The express company issuing this form will file the original with the Commission and will furnish duplicate to each of the express companies named in the concurrence, or, if each of those express companies has given said agent power of attorney to receive for it concurrences, original will be filed with the Commission and one duplicate may be filed with such agent instead of furnishing duplicates to each and every express company represented by him.

§ 1304.23 Form of concurrence, EX8.

If two or more express companies appoint the same person as agent for the publication and filing of tariffs and supplements thereto under powers of attorney form EX1, concurrence in tariffs issued by him under such authority applying to or from certain points or territory may be issued in the following form, modified as may be necessary to confer exactly the authority intended to be granted:

TO BE FILED WITH THE INTERSTATE COMMERCE COMMISSION

[Name of express company in full]

[Date] ————, ——.

Form EX8—No. ——.
To THE INTERSTATE COMMERCE COMMISSION, WASHINGTON, D.C. 20423:

This is to certify that the [name of express company] assents to and concurs in the publication and filing of any rate schedule or supplement thereto which the [here give list of all express companies for which the agent has powers of attorney], or either or any of them, may make and file through their agent and attorney [name of agent], and in which it is shown as a participating express company, and hereby makes itself a party to and bound thereby insofar as such schedule contains rates applying upon ————; or between ———— and ————; or from ———— to ————; or from ———— to points on or reached via its line; or from points on or via its line to ———— until this authority is revoked by formal and official notices of revocation placed in the hands of the Interstate Commerce Commission and of the express companies to which the concurrence is given, or of their agent and attorney herein named.

[Name of express company.]
By [Name of officer.]
[Title of officer.]

The express company issuing this form will file the original with the Commission and will furnish duplicate to each of the express companies named in the concurrence, or, if each of those express companies has given said agent power of attorney to receive for it concurrences, original will be filed with the Commission and one duplicate may be filed with such agent instead of furnishing duplicates to each and every express company represented by him.

NOTE: Concurrence, form EX2, applies to individual publication named therein. Concurrence, form EX3 or EX6, confers authority to publish and file rates to, but not from, offices on line of concurring express company, and via its lines. Concurrence, form EX5 or EX7, confers authority to publish and file rates to and from offices on line of concurring express company, and via its lines. Forms EX3, EX5, EX6, and EX7 are not to be modified except as specified in the rules. The use of these several forms as provided will therefore show by the form number just what authority has been given, except when form EX4 or EX8 is used, these forms being provided for instances which the other forms do not exactly fit.

§ 1304.24 Concurrences and powers of attorney; general provisions.

(a) Each express company will give authorizations and concurrences serial numbers, beginning with No. 1 in each series, as indicated by forms, and continuing in consecutive numbers as to each series, and keeping these numbers separate and apart from the ICC numbers of tariffs. (See paragraph (d) of this section.) Concurrences must be given to express companies named therein, and authority so granted to an express company may be by it delegated to its lawfully appointed agent.

(b) A concurrence may be revoked by filing notice of such revocation with the Commission and serving same upon the express company to which such concurrence was given. Such notice must specify the date upon which revocation is to be made effective and must give at least 60 days' notice to the Commission and to the express company to which concurrence was given. Corresponding revision of tariff or tariffs shall be made in the next supplement to or reissue thereof, and if necessary, supplement or reissue shall be made for the sole purpose of making such change lawfully effective on statutory notice upon the effective date stated in the notice of revocation.

Change in a tariff is effective when and only when the tariff is filed and posted is changed. Change effected by revocation of concurrence cannot be known to the public or to the agents of express companies until it appears in the regular way in the tariff. An express company that has duly revoked a concurrence as herein provided has the right to be free from the unsatisfactory rate or regulation on the date upon which revocation becomes effective. The public have the right to use the rates shown in a lawfully filed and published tariff. The rule provides ample time within which to change a tariff. If, therefore, when a concurrence is revoked, the express company that publishes the tariff neglects to make change therein as provided in this section, shippers are entitled to have shipments moved as provided in the tariff, and the express company that so neglects to correct its tariff will be held liable to other express companies for the difference in charges under the tariff as it is and as it would be if it had been corrected in accordance with revocation of concurrence. If the tariff is published by a joint agent, the provisions hereof will apply to each of his principals, as traffic is tendered to them as initial express companies.

In giving concurrences care must be taken to avoid probability of two or more agents or express companies naming conflicting rates or rules.

(c) The granting of authority to issue tariffs under power of attorney, or concurrence, does not relieve the express company conferring the authority from the necessity of complying with the law with regard to posting tariffs. It is proper to use tariffs issued under its authority for that purpose.

(d) All powers of attorney and certificates of concurrence must be printed or typewritten on hard calendered paper, 8 by 10½ inches in size.

The series to which each power of attorney or certificate of concurrence belongs must be indicated, and the serial number of each must be shown, in upper right-hand corner of first page. Immediately under the serial number shall be shown the number, or numbers, of powers of attorney or certificates of concurrence, as the case may be, to be canceled.

Each power of attorney or certificate of concurrence filed must show the post-office address of the issuing officer in the date line preceding body of form.

When a series of joint concurrences, issued on behalf of two or more express companies by the same traffic officer, is maintained, each concurrence filed in that series must be issued on behalf of all the express companies for whom the common traffic officer acts. Otherwise separate files of concurrences must be maintained, one for each express company, certificates in each series of such individual files to be filed in consecutive numerical order as required by paragraph (a) of this section.

Cross Reference: For powers of attorney and concurrences applicable to express-motor rates, see § 1304.109.

§ 1304.25 Letter of transmittal.

All tariffs that are filed with the Commission shall be accompanied by a letter of transmittal, on paper 8 by 10½ inches in size, and to the following effect:

[Name of express company in full]

[Date] ————, ——.

Advice No. ——.

To the Interstate Commerce Commission,
Washington, D.C. 20423:

Accompanying schedule is sent you for filing, in compliance with the requirements of the Act to regulate commerce, issued by ———— Express Company, and bearing

ICC No. ——.
Supp. No. ——, to ICC No. ——.
Effective ————, 19——;

and is concurred in by all express companies named therein as participants, under continuing concurrences or authorizations now on file with the Interstate Commerce Commission, except the following-named express companies, whose concurrences are attached hereto:

____

____

____
(Signature of filing agent)

A separate letter may accompany each schedule, or the form may be modified to provide for filing under one letter as many schedules as can conveniently be entered.

NOTE: If receipt for accompanying schedule is desired, the letter of transmittal must be sent in duplicate, and one copy will be stamped and returned as receipt.

§ 1304.26 Changes in rates.

Section 6 of the act as amended June 18, 1910, provides that:

> No change shall be made in the rates, fares, and charges, or joint rates, fares, and charges, which have been filed and published by any common carrier in compliance with the requirements of this section, except after 30 days' notice to the Commission and to the public published as aforesaid, which shall plainly state the changes proposed to be made in the schedule then in force and the time when the changed rates, fares, or charges will go into effect; and the proposed changes shall be shown by printing new schedules, or shall be plainly indicated upon the schedules in force at the time and kept open to public inspection.

(a) *Rate changes filed and published must become effective.* This provision plainly refers to rates which have already become effective, and also applies the term "proposed changes" to rates which have not become effective. It follows that after notice of a change in rates has been filed and published the new rates must be allowed to go into effect, and cannot be withdrawn, canceled, or superseded except upon notice filed and published for at least 30 days after the date when the rates have become effective. A tariff may contain a notation that rates therein stated will expire upon a date therein specified which is at least 30 days subsequent to the date on which such rates become legally effective, and this will be legal notice of the cancellation or withdrawal of such rates. Any tariff may be changed upon statutory notice of 30 days, or, under special permission from the Commission, upon shorter notice. Therefore a provision in a tariff that the tariff or any part of it will expire upon a given date is not a guaranty that the tariff, or such part of it, will remain effective until that date. Such provision must be understood to mean that the tariff, or specified part of it, will expire upon the date named unless sooner canceled, changed, or extended in lawful way.

(b) *For good cause Commission may allow exceptions.* Express companies must comply fully with the requirements of the law respecting the filing, publication, and taking effect of proposed rates, unless upon application and for good cause shown the Commission, in the exercise of authority conferred upon it, shall allow rates to be changed or withdrawn upon less than 30 days' notice, or by formal order otherwise modify such requirements. No regulation or rule of the Commission is authority to change rates or issue tariffs on less than statutory notice unless so specifically provided in the rule or regulation.

§ 1304.27 Joint rate greater or less than sum of intermediate rates.

Two or more connecting express companies may establish a joint rate only upon notice of 30 days or under special permission; *Provided,* That until otherwise ordered by the Commission express companies may establish on 1 day's notice to the Commission and to the public, tariffs or tariff supplements naming joint rates over the lines of two or more express companies between points as to which no joint rates are in effect via their lines, provided that such joint rates, so established, do not in any way, manner or extent, increase the rates or charges demanded from shippers. Tariffs or tariff supplements issued under this rule must bear notation:

> "Issued by authority of rule 27, Interstate Commerce Commission Tariff Circular No. 19-A."

A joint rate when duly established and in force becomes the only lawful rate for through transportation.

A through rate from point of origin to destination of a shipment is the lawful rate applicable to that movement, whether the rate be confined to the line of one express company or be a joint rate applying over the lines of two or more express companies.

§ 1304.28 Reduction of rate to equal sum of intermediate rates.

(a) *Rates higher than sum of intermediate rates.* Where a rate is in effect by a given route between any points which is higher than the sum of the intermediate rates between the same points, by the same or another route, and such rate has been in effect 30 days or longer, such higher rate may, until further notice from the Commission, be changed by reducing the same to the sum of such intermediate rates, but not otherwise, upon posting and filing with the Commission one day in advance a supplement to or a reissue of the tariff in which the rate so reduced appears, which supplement or reissue shall show the reduced rate; shall bear notation that it is effective on less than statutory notice "by authority of rule 28, Interstate Commerce Commission Tariff Circular No. 19-A;" shall show on titlepage, or in connection with such item, by identifying references and ICC numbers, the tariffs that contain the factors which make up the new rate; except that, if the rate so reduced is contained in a strictly merchandise rate tariff, the reduced rate will be published in a new commodity tariff or in a supplement to or reissue of a tariff which contains commodity rates and in which all express companies whose lines make up the route over which the rate applies have concurred, and which is issued by the same express company or agent that issued the tariff which contained the rate so reduced. Such tariff, supplement, or reissue must bear on its title-page, or in connection with such item, the notation:

"Issued under authority of rule 28, Interstate Commerce Commission Tariff Circular No. 19-A. The rate (or rates) hereby reduced appears in ——— tariff, ICC No. ——— , item (or page) ———, and the factors from which the new rate herein shown as equaling the sum of the intermediate rates are found in ——— Tariff, ICC No. ———, item (or page) ———, and ——— Tariff, ICC No. ———, item (or page) ———."

(b) *Through rate higher than sum of intermediate rates prima facie unreasonable.* Many informal complaints are received in connection with regularly established through rates which are in excess of the sum of the intermediate rates between the same points. The Commission has no authority to change or fix a rate except after full hearing upon formal complaint. It is believed to be proper for the Commission to say that if called upon to formally pass upon a case of this nature it would be its policy to consider the through rate which is higher than the sum of the intermediate rates between the same points as prima facie unreasonable and that the burden of proof would be upon the express company to defend such higher through rate.

NOTE: Attention is called to the fact that section 4 of the act, as amended, prohibits a through rate that exceeds the sum of the intermediate rates that are subject to the act. The term "intermediate rates" as used in said section is interpreted to mean the straight-away or direct-haul rates, and not to include any back-haul charge.

§ 1304.29 Rates to or from new offices.

An express company or a joint agent acting for it under power of attorney EX1, may establish, in the first instance rates to or from newly opened offices of such company upon 1 day's notice to the Commission and the public. Statutory notice will be required as to all changes in, or additions to, the rates so filed in the first instance. Such tariffs must bear notation that they apply to newly opened offices to or from which no rates are in effect, and bear the notation:

"Issued by authority of rule 29, Interstate Commerce Commission Tariff Circular No. 19-A."

Tariffs or supplements to tariffs issued by other express companies establishing rates to or from such newly opened offices may be issued only upon statutory notice or under special permission for shorter time. It will be the Commission's policy to grant such reasonable permissions as are necessary to give express companies and shippers fullest efficiency of such new service.

§ 1304.30 Rates on carload shipments of certain perishable commodities and of livestock between points between which carload rates on such commodities are not in effect.

Express companies may establish upon 10 days' notice to the Commission, and to the public, tariffs or supplements naming commodity rates for carload shipments of the following commodities, viz, fresh fruits, fresh vegetables, fish (fresh or frozen), clams, oysters, shrimp and livestock, between points between which carload rates on such commodities and via the same lines are not in effect. Each tariff or supplement containing rates established under this section must bear the notation:

> "Issued on 10 days' notice by authority of Rule 30, Interstate Commerce Commission Tariff Circular No. 19-A."

§ 1304.31 Requests for permission to amend tariffs on less than statutory notice.

(a) *Form of application.* The act authorizes the Commission, in its discretion and for good cause shown, to permit changes in tariff rates on less than the statutory notice. It is believed that this authority should be exercised only in instances where special or peculiar circumstances or conditions fully justify it. Confusion and complication must follow indiscriminate exercise of this authority. Applications for permission to change tariffs on less than statutory notice shall be addressed to the Interstate Commerce Commission, and in form herein specified on paper 8 by 10½ inches. Such applications must be over signature of the president, vice president, traffic manager, assistant traffic manager, superintendent of traffic, or a duly authorized attorney and agent, specifying title.

____

(Name of express company)

——————, 19——.

(Place and date)

To The Interstate Commerce Commission,
Washington, D.C. 20423:

The ——————————, (Name of express company) by ——————, (Name of officer) its ——————, (Title of officer) does hereby respectfully petition the Interstate Commerce Commission that it be permitted, under section 6 of the act to regulate commerce as amended June 18, 1910, to put in force the following rates, to become effective —— days after the filing thereof with the Interstate Commerce Commission:

____

(State fully the rates which it is desired to put into effect, the articles upon which they are to apply, and the points of origin and destination)

Your petitioner further represents that the said rates above mentioned will be published in (Supp. No. —— to) Tariff ICC No. ——, and will supersede and take the place of the rates on like traffic from and to the points above named which are set forth in Tariff ICC No. —— (or supplement) on file with the Commission.

And your petitioner further bases such request upon the following facts, which present certain special circumstances and conditions justifying the request herein made:

(State fully all the circumstances and conditions which are relied upon as justifying the application, and if based upon rates in effect via other lines, specific reference shall be given to the ICC numbers of the tariffs of such other line or lines)

____

[Name of express company]
By ——————————
(Name and title of officer)

Subscribed and sworn to before me this —— day of ——————, 19—.

____

Notary Public.

The Commission requests that as far as possible these applications be sent by mail and not by telegraph. Action will be taken only on receipt of the verified application.

(b) *Permission to change rates.* This authority will be exercised only in cases where actual emergency and real merit are shown. Clerical or typographical errors in tariffs constitute good cause for the exercise of this authority, but every application based thereon must plainly specify the omissions or mistakes together with a full statement of the circumstances attending such omission or error and be presented with reasonable promptness after issuance of the defective tariff.

(c) *Where full notice was given by competing express company.* Desire to meet the rates of a competing express company which has given the full statutory notice of change in rates will not of itself be regarded as good cause for allowing changes in rates on a notice of less than 30 days.

(d) *Amendment of joint tariffs on less than statutory notice.* A request from one party to a joint tariff for permission to amend such tariff on less than statutory notice necessarily raises some question of doubt as to the wishes or concurrence of other interested parties to the tariff. It is desirable and proper that any such permission given by the Commission should affect alike all parties to the tariff that is to be amended under it. The Commission therefore decides:

(e) *Applications by express company or agent authorized to file the tariff.* That when an express company gives an agent authority to file tariff or tariffs and supplements thereto in its name, place, and stead, or concurrence in tariff or tariffs and supplements thereto which another express company or its agent may file thereunder, the agent or express company to whom such authority or concurrence is given has, under the terms of the authority or concurrence, the power and the right to request, in the name and on behalf of the express companies participating in such tariff or tariffs, permission to amend same on less than statutory notice.

(f) *Request must come from one who issues the tariff.* Such requests as to joint tariffs must be made by the agent or the express company that is authorized to file the tariff and in making them form same as that prescribed for use of individual carrier shall be used, except that the request must state that it is made in the name and on behalf of all parties to the tariff, and that formal authority to file the tariff, or formal concurrence in the tariff, is on file with the Commission from each of them.

(g) *Concurring express companies bound by act of authorized agent.* Request will be signed and verified by the agent or officer who makes it, and every express company that has, by formal authority or concurrence, made itself a party to such tariff will be held bound by the act of its agent under such authority or by its concurrence. This section will, insofar as is possible, be applied to tariffs now on file, and will be effective in all cases from and after August 1, 1908.

§ 1304.32 Free transportation of passengers in connection with shipments of property.

Section 1 of the act provides that free transportation may be furnished "to necessary caretakers of live stock, poultry, milk, and fruit." This provision in the statute is construed to mean necessary caretakers of live stock, poultry, milk, or fruit that is loaded and ready for movement, or the movement of which is actually contracted for or that is actually in transit. Such free transportation must be the same for all under like circumstances and the tariff governing transportation of the commodity must give notice thereof. Farm may provide that caretaker sent out to return with shipment that is arranged for or that is in transit will be required to pay fare going and that such fare will be refunded if person so sent does return as actual caretaker of shipment for which he is sent.

(a) The Commission is of the opinion that the term "fruit" in this connection includes perishable vegetables, and that bees in hives and live fish may be included in the term "live stock," when shipped under conditions that render caretakers "necessary."

(b) When an express company provides in its tariff for free transportation for caretakers in charge of live stock, poultry, milk, or fruit, and the railroad company over whose lines such express company operates provides in its tariff that such caretakers may be permitted to ride in passenger car, the tariff of the express company and that of the railroad company must give reference to each other.

§ 1304.33 Maximum rates not specific rates.

Section 1304.4 prohibits including in a tariff any rule or regulation which in any way or in any terms authorizes substituting for any rate named in the tariff a rate found in any other tariff or made up on any combination or plan other than that clearly stated in specific terms in the tariff of which the rule or regulation is a part. This section is intended to bring about entire discontinuance of tariff rules which provide that rates named in tariff will apply to certain points "as maxima," or that if a combination on some gateway or basing point makes less than the rates named in tariff such combination will apply, or for equalizing or protecting any rate via another line or route or gateway, etc. The intent is that as rapidly as tariffs can be reconstructed in accordance with the regulations issued by the Commission they will state in specific, clear, and unambiguous terms the rates and their application.

The Commission decides that, pending the complete elimination of such rules, a rate that is stated in a tariff as applicable to a certain point as a maximum is not a specific through rate to that point, and that a rate made up on combination of lawfully filed tariffs may be used in preference to such maximum rate if there is no applicable rate via the route over which shipment moves, other than the one made by such maximum rule. In every instance where there is a specific joint through rate from point of origin to point of destination it must be applied to through shipments regardless of possible lower combinations. (See § 1304.27.)

Section 1304.4(d) provides that a tariff shall contain a complete alphabetical index of the offices from and to which it prohibiting the incorporation in a tariff of a rule providing for the affirmative and definite application of the rates named in that tariff to or from offices not indexed and which are directly intermediate on the same line or route with offices that are indexed.

§ 1304.34 Movement of shipments refused by consignees or damaged in transit.

(a) *Free carriage or reduced rates or reconsignment at through rate.* In one form or another many express companies provide for the return free or at reduced rates, or the reconsignment under through rate from point of origin, of shipments that are damaged in transit or are refused by consignees. In answer to request for ruling the Commission expresses the opinion that in a nondiscriminatory way and within reasonable limits such rule is not unlawful or improper. Care should be taken to preserve the distinction between shipments in which the express company has no interest except the collection of the transportation charges and which are reconsigned or returned purely out of consideration for the interests of the owner of the shipment, and shipments which, because of injury or damage in transit, are left on the express company's hands and in which it has an interest to the extent of the transportation charges and the value of the shipment.

A rule providing that shipments which are refused by consignee may be reconsigned and forwarded, under application of through rate from point of origin to final destination, either with or without the exaction of a reconsignment charge, is permissible. Where tariff provides for return of shipments at reduced rates the tariff rule must be strictly complied with. Such tariff rule should provide that waybill covering return movement and shipment receipt must show reference to original outbound shipment and waybill.

(b) *Shipments damaged in transit.* A rule providing for the reconsignment or return free or at reduced rates of articles damaged in transit is not improper if it is so framed and applied as to prevent abuses or improper practices under it. The practice of returning at reduced rates articles that have been delivered into the possession of consignees and have become shopworn or have gotten into a state of disrepair through use is neither proper nor free from unjust discrimination. A rule according reduced rates on return shipments is proper only insofar as it applies to the return of shipments that are received by the consignee in bad order or are refused by consignee without examination. As to shipments that are not in closed packages and thus are open to immediate inspection, the rule should provide that in order to secure reduced rates on return movement the goods shall not have left the possession of the express company before such claim is made. As to goods that are in closed packages, the rule should provide that in order to secure reduced rates on return movement such goods must be returned to the express company within 10 days.

§ 1304.35 Responsibilities of carriers under tariffs.

(a) *Concurrences.* In the past no uniform or definite practice or rule has been followed by express companies in regard to concurrence in joint tariffs.

To now undertake to check out and follow down definite and actual concurrence of express companies in tariffs, issued prior to effective date of the regulations in this part, would be a difficult tasks; and to declare unlawful all tariffs, and participation therein, which were not definitely and actually concurred in, other than by use thereof, would be to overthrow practically all such joint tariffs and leave transportation in chaos.

(b) *Specific notice of nonconcurrence.* The Commission cannot undertake to now excuse express companies from responsibilities placed upon them by tariffs that have been issued, and in which they are named as participants, except in accordance with and subsequent to filing of specific notices of nonconcurrence.

The regulations in this part require that the express company or agent that issues a joint tariff shall, before issuing same, secure the definite and affirmative concurrence of every carrier shown therein as a participant, and shall show in connection with the name of each participating carrier the form and number of the instrument by authority of which that carrier is made a party to the tariff.

(c) *Named as participants in tariff without authority.* An express company has no means of preventing another express company from naming it as party to a joint tariff without proper authority so to do, or of preventing another express company from exceeding the authority conferred by limited concurrence. It cannot, however, be bound by such unauthorized act and it is its obvious duty to refuse to recognize or apply any such unlawful issue. It should also at once call the attention of the Commission and of the one that issued the tariff to such erroneous action.

(d) *Tariffs lawful as to carriers shown as participants under lawful authorizations and unlawful as to others.* If one or more carriers are, without proper authority, so shown as participating in any tariff and other carriers are lawfully shown as parties thereto, the use of the publication is unlawful as to the carriers that are named as parties thereto without proper authority and lawful as to those that are parties to it under proper authority. The carrier over whose line shipments are sent under a joint tariff is bound by the terms of that tariff if it has lawfully concurred therein, and, if it has not lawfully concurred therein, may not accept earnings in accordance therewith, but must demand for the service performed its lawful earnings according to its lawful tariffs.

(e) *Responsibility for unlawful incorporation in a tariff.* Responsibility and liability for the unlawful incorporation of any carrier in a tariff, or for exceeding the authority conferred by a limited concurrence, will rest wholly upon the express company that issued the tariff; or, if a tariff is issued by a joint agent and attorney for two or more express companies, will rest upon each of his principals that accepts and forwards the business under that tariff. Such responsibility and liability will be measured by the difference between the charges under the tariff as it is published, filed, and posted, and as it would have been if no carrier had been improperly named as party thereto, or if the authority conferred by the concurrence of a participating carrier had not been exceeded.

(f) *Policy of Commission on complaints.* In passing upon a complaint of overcharge, or demand for payment of undercharge, growing out of improper or unlawful inclusion of any carrier in the list of participating carriers, or of exceeding the authority conferred by limited concurrence, in the tariff under which the business was accepted and forwarded, the Commission will apply the principles above stated.

§ 1304.36 Withdrawal of filed tariffs not permitted.

Not infrequently the Commission is requested to return to carriers tariff publications which have been received and filed by the Commission in the ordinary course of business. Such requests are usually based on the desire to substitute some corrected or changed publication for the one that has been filed. Manifestly it would be improper for the Commission to permit such substitutions or to surrender any tariff publication duly and properly received and filed by it, unless such surrender is caused by rejection of such publication by the Commission because of illegality or irregularity in connection therewith. To surrender publications duly filed and permit the substitution of others would involve a species of falsification of the records which could not be permitted.

§ 1304.37 Ocean carriers; export and import tariffs.

Ocean carriers between ports of the United States and foreign countries not adjacent are not subject to the terms of the Interstate Commerce Act; nor to the jurisdiction of the Commission.

(a) *Export and import tariffs.* The inland carriers of traffic exported to or imported from a foreign country not adjacent must publish their rates to the ports and from the ports, and such rates must be the same for all, regardless of what ocean carrier may be designated by the shipper.

(b) *Through rates may be shown.* As a matter of convenience to the public they may publish in their tariffs such through export or import rates to or from foreign points as they may make in connection with ocean carriers. Such tariffs must, however, distinctly state the inland rate as above provided; and need not be concurred in by the ocean carrier, because concurrence can be required from, and is effective against, only carriers subject to the act.

It is permissible for an express company to state its inland rates, which must be open to all alike, regardless of what ocean carrier may be designated by the shipper, and in the same connection to show the additional steamship charges which go to make up through rates to or from foreign destinations.

(c) *Changes on less than statutory notice; through billing.* Whichever plan of publishing these rates is followed, the tariffs must be filed and posted, and may be changed only upon statutory notice or under special permission for shorter time, except that, in consideration of unusual and special circumstances surrounding the movement of traffic exported to or imported from foreign countries not adjacent to the United States and which moves through ports of the United States or Canada on the Pacific Ocean as to said traffic and confined to tariffs which contain only rates applicable thereto, the Commission authorizes express companies to make changes in said rates upon notice to the Commission and to the public in manner prescribed by law of 3 days as to changes which effect reductions in rates or charges and like notice of 10 days as to changes which effect increases in rates or charges. Tariffs issued upon short notice under authority of this section must bear notation:

> "Issued under authority of rule 37, Interstate Commerce Commission Tariff Circular No. 19-A."

Export and import traffic may be forwarded under through billing, but such through billing must clearly separate the liability of the inland carrier or carriers and of the ocean carrier, and must show the tariff rate of the inland carrier or carriers.

Cross References: For export and import shipments as regulated by the Interstate Commerce Commission, see Part 1302 of this chapter. For regulations of the Bureau of Customs, Department of the Treasury, relating to customs districts and ports and the lading and unlading of vessels, see 19 CFR Parts 1, 2. For regulations of the Maritime Administration, Department of Commerce, concerning ocean carriers, see 46 CFR Chapter II. For regulations of the Federal Maritime Commission relating to ocean carriers, see 46 CFR Chapter IV.

§ 1304.38 Tariffs to or from points in adjacent foreign countries.

Through rates from points in the United States to points in foreign countries adjacent thereto and through rates from points in adjacent foreign countries to points in the United States are a great convenience, and the Commission therefore desires to permit and encourage the publication and filing of such through rates under lawful and proper conditions. Therefore, and until further order of the Commission:

(a)(1) A joint tariff naming rates from a point in the United States to a point in Mexico or in Canada; from a point in Mexico or in Canada to a point in the United States; from a point in Mexico through the United States to a point in Canada; from a point in Canada through the United States to a point in Mexico; from a point in Mexico through the United States to a point in Mexico; from a point in Canada through the United States to a point in Canada; from a point in the United States through Mexico or through Canada to a point in the United States, must be concurred in, in form prescribed in the regulations in this part and without reservation by all lines that are parties to the through rates and that participate in transportation thereunder; or, a statement of the divisions of the rates accruing to the express companies in the United States to or from the border must be incorporated in the tariff or be filed with the Commission together with and at the same time the tariff itself is filed.

(2) The purpose of paragraph (a)(1), requiring the domestic express companies to publish their divisions of rates to and from Canada or Mexico, is to give to this Commission definite information as to their lawful earnings, and is not intended as a means of exercising any jurisdiction over express companies in adjacent foreign countries.

(b) Rates on express traffic from a point in Canada through the United States to a point in Canada may be changed upon a notice of 30 days as to advances in rates and 3 days as to reductions in rates given to the Commission and the public in manner required by law, provided such express traffic moves in bond and that no transit or stop-over privilege is allowed thereon within the United States, and that tariff so states; *And provided further,* That such rates be published in tariffs which contain only rates on express traffic that has neither origin nor destination in the United States.

Each tariff publication in which changes in rates are made under the terms of this section shall bear on its title page the notation:

> "Issued under authority of rule 38, Interstate Commerce Commission Tariff Circular 19-A."

§ 1304.39 Publishing and filing tariffs under amended fourth section of the act.

If tariffs containing commodity rates applicable from points of production provide for their application from intermediate points not named, it would be necessary to post those tariffs at every intermediate point, although such shipment may never be made from a point not specifically named. If such tariffs do not provide for application from intermediate points, they would conflict with the amended fourth section of the act whenever the merchandise rate, scale rate, or a combination from an intermediate point exceeds the commodity rate from a more distant point.

Tariffs should not contain volumes of unnecessary rates, and it is undesirable to require the posting of large numbers of tariffs at points from which no shipments are likely to move. Therefore, until further ordered, express companies may file tariffs containing commodity rates applicable from known points of production without making such rates applicable from all intermediate points. Each such tariff shall bear on its title-page the following notation:

> By authority of rule 39 of Interstate Commerce Commission Tariff Circular No. 19-A, this tariff (these rates) is not (are not) made applicable from (or to) all intermediate points. Upon reasonable request therefore rates which will not exceed those in effect from (or to) more distant points will, under authority granted by the Interstate Commerce Commission, be established from (or to) any intermediate point hereunder upon one day's notice to the Commission and to the public.

In observance of this section express companies may on 1 day's lawful notice to the Commission and to the public extend the application of the rates shown in the tariff by establishing such rates from intermediate points which do not exceed the rates from the more distant point on same line or route, provided no advance is thereby made in any existing rate.

Ordinarily rates to intermediate points of destination not named in the tariff can properly and should be provided for by a clause in the tariff authorizing the application of its rates to intermediate points of destination, but in instances where the intermediate application of rates is impracticable or when conflicting rates would result therefrom, commodity rates may in the first instance be established to such intermediate destinations not higher than to more distant points on same line of route on like notice as from points of origin, provided no advance is thereby made in any existing rate.

For the purpose of eliminating from tariffs higher charges for shorter hauls as same are referred to in the amended fourth section of the act, and when same have been in effect 30 days or more, express companies may make such changes effective on 1 day's lawful notice to the Commission and to the public, provided such changes are in each instance reductions in rates or charges. (See §§ 1304.27 and 1304.28.)

A tariff or supplement containing rates issued upon short notice under authority of this section must bear on its title page or in connection with the item containing the rate the following notation:

> Issued under authority of rule 39 of Interstate Commerce Commission Tariff Circular No. 19-A. The rate (or rates) hereby reduced appears (or appear) in ———— tariff ICC No. ——, item (or page) ——, and the rate (or rates) from (or to) ———— [name it], the more distant point, appears (or appear) in ———— tariff ICC No. ——, item (or page) ——.

When the Commission has issued an order granting to an express company authority to depart from the provisions of the amended fourth section of the act and to charge higher rates for shorter than for longer distances over the same line or route, the title page of each tariff issued and filed under such authority must bear the following notation:

> This tariff contains rates that are higher for shorter distances than for longer distances over the same route. Such departure from the terms of the amended fourth section of the act to regulate commerce is permitted by authority of Interstate Commerce Commission Order F. S. No. —— of [date] 19——.

When the Commission has issued an order granting to an express company authority to depart from the provisions of the amended fourth section of the act and to charge rates higher than the aggregate of the intermediate rates subject to the act, the title page of each tariff issued and filed under such authority must bear the following notation.

> This tariff contains rates that exceed the sums of the intermediate rates subject to the act. Such departure from the terms of the amended fourth section of the act to regulate commerce is permitted by authority of Interstate Commerce Commission Order F. S. No. —— of [date] 19——.

Nothing in this section may be construed as waiving any of the provisions of the amended fourth section of the Interstate Commerce Act.

§ 1304.40 Rates, rules or charges applying to all-motor transportation.

Rates, rules or charges applying to all-motor transportation may not be published in any tariff filed pursuant to section 6 of Part I of the Interstate Commerce Act and issued under this part.

§ 1304.41 Arrangements for establishing through express-motor transportation.

The express companies listed in § 1304.0(b)(4) "Definition of Terms," may not file proportional rates to or from junction points with motor carriers for application on traffic to or from points on the lines of such motor carriers. Where it is desired to establish arrangements for through transportation with motor carriers, joint express-motor rates in accordance with the provisions of this part should be established.

§ 1304.42 Transmission of publications to subscribers.

(a) Except as otherwise authorized in paragraphs (b) and (d) of this section, one copy of each new tariff, supplement, and looseleaf page must be transmitted to each subscriber thereto by first-class mail (or other means requested in writing by other subscriber) not later than the time the copies for official filing are transmitted to the Commission. The letter of transmittal accompanying the copies to the Commission must contain the following certification:

> I hereby certify that I have on or before this day sent one copy of each publication listed hereon to each subscriber thereto by first-class mail, or by other means of transmission agreed upon in writing by the subscriber.

____
Signature of person transmitting publication(s)

____
Date

(b) If a new tariff or supplement is filed which in its entirety is published under an authority from this Commission to publish and file without notice or on notice of less than ten days, or if a new loose-leaf page is filed which contains a provision published under an authority from this Commission to publish and file without notice or on notice of less than ten days, paragraph (a) of this section need not be complied with as to such publication if it cannot be or compliance would cause excessive delay, but one copy of such publication must be transmitted to each subscriber thereto by first-class mail (or other means requested in writing by subscriber) within five calendar days, starting with the calendar day following that on which the copies for official filing are transmitted to the Commission, and the letter of transmittal to the Commission must contain the following certification:

> I hereby certify that I will within five calendar days after today send one copy of each publication listed hereon to each subscriber thereto by first-class mail or other means of transmission agreed upon in writing by the subscriber.

____
Signature of person transmitting publication(s)

____
Date

Included in this exception are supplements issued for the purpose of announcing suspensions made by the Commission and publications (published in the name of a carrier only) announcing adoptions.

(c) When copies of different publications are transmitted to the Commission at the same time, some copies of which have been transmitted to subscribers in compliance with paragraph (a) of this section and some copies of which will be transmitted to subscribers in compliance with paragraph (b) of this section, two letters of transmittal must accompany the copies to the Commission, one complying with paragraph (a) of this section and the other complying with paragraph (b) of this section.

(d) If there are no subscribers to any publication listed on a letter of transmittal accompanying the copies for official filing to the Commission, the letter of transmittal must contain the following certification:

> I hereby certify that there are no subscribers to the publication(s) listed hereon.

____
Signature of person transmitting publication(s)

____
Date

If copies of different publications are transmitted to the Commission at the same time, some of which are subscribed to and some of which are not, only the provisions of paragraphs (a) or (b) of this section, or both, as the case may be, need be complied with.

(e) Expedited service (when transmitting one copy of each publication) must be provided to each subscriber requesting it. The cost of this service may be passed on to the subscriber.

(f) Carriers and agents shall furnish without delay one copy of any of their tariff publications, effective or published but not yet effective, to any person upon reasonable request therefor at a reasonable charge not to exceed that assessed a subscriber.

(g) As used herein, the term "subscriber" means a party who voluntarily or upon reasonable request is furnished at least one copy of a particular tariff and amendments thereto (including reissues thereof) by the publishing carrier or agent. The term does not, however, pertain to requests for a copy or copies of a tariff without a request for future amendments thereto.

[40 FR 7656, Feb. 21, 1975, as amended at 40 FR 25678, June 18, 1975]

§ 1304.43 ICC numbering systems.

(a) *Compliance.* Until March 1, 1979, every tariff must bear either an I.C.C. (or ICC) number or a standard ICC designation as set forth in paragraphs (b) and (c), respectively, of this section. Every effective tariff on file with this commission on that date and every tariff which is indicated to become effective after that date must bear a standard ICC designation as set forth in paragraph (c) of this section. Conversion from the consecutive I.C.C. (or ICC) system to the standard ICC designation system shall be accomplished in the manner set forth in paragraph (d) of this section.

(b) *I.C.C. (or ICC) numbers.* The I.C.C. (or ICC) numbers should run consecutively beginning with the next consecutive number in the existing series or, if no tariffs have been issued previously, beginning with I.C.C. (or ICC) No. 1.

(c) *Standard ICC designation.* (1) The standard ICC designation shall be constructed by use of the characters "ICC," by use of a unique standard tariff, carrier, or agent code consisting of a minimum of two and a maximum of four alphabetical characters, and by use of a standard tariff number assigned according to the type of tariff, and in that order. For example, if the carrier or agent or the specific tariff has been assigned the code ABCD and the tariff has been given the number 2000 by the carrier or agent, the ICC designation would be "ICC ABCD 2000."

(2)(i) The codes shall be assigned by the transportation industry. Only one code shall be assigned to each carrier (even if carrier is of more than one mode) or agent (see paragraphs (c)(2)(ii) and (iii) for exceptions). Each code shall be unique for the carrier or agent to which it is assigned and may not be used by any other, regardless of mode. Each carrier or agent must use only the code assigned thereto and may not use any other, except where a separate code has been authorized for a particular tariff series. A carrier or agent may request that it be assigned a specific code (regardless of whether or not one has been previously assigned), which must be appropriate and not duplicate any other. To the greatest extent practicable, the first two letters of the requested code must relate to the carrier's or agent's name. "A," "An," or "The" forming part of the name of the carrier or agent should not be considered when requesting a code. A court-appointed receiver, trustee, et cetera, who assumes possession and operating control of a carrier's lines, whether in whole or in part, shall use the old carrier's code. In all other cases where the name of a carrier is lawfully changed or the operating control of a carrier's properties is lawfully transferred in whole or in part to another party under authority of an order of this Commission, and the regulations in this part require the filing of an adoption notice, the code of the new carrier shall be used on the adoption notice and on all original tariffs filed thereafter in the name of the new carrier. (Where there is a change in the name of the carrier or agent without a change in ownership of a carrier or identity of an agent, a new code shall be assigned unless retention of the same code is authorized by the Commission. Exception: A code assigned for use on a specific tariff of an agent must continue to be used on that tariff. (See paragraph (c)(2)(ii) of this section.). A code which has been previously but is no longer assigned may be reassigned after its prior assignment has been canceled for at least 5 years. All requests for codes shall be in writing.

(ii) Consideration shall be given to requests for the assignment of specific codes to specific types of governing tariffs which have a substantial nationwide application for a substantial number of participating carriers. The requested code must not duplicate any other. Such a code shall be assigned only to a tariff published and filed in the name of an agent. To the greatest extent possible a requested code must coincide with the first letter of the primary words in the title of the tariff. Only one such code shall be assigned to a tariff. Each code shall be unique for the specific tariff series to which it is assigned and may not be used by the agent on any other tariff or by any carrier or other agent.

(iii) Consideration shall be given to requests for assignment of a separate code to a carrier for use in identifying separately a division or district of the carrier. The requested code must not duplicate any other. This code shall be in addition to the base code assigned the carrier under the provisions of paragraph (c)(2)(i) of this section. The additional code shall be constructed by the use of the base code together with an appropriate letter suffix, designating the particular district or division thereof, which, including the suffix, may not exceed four alphabetical characters. Where the base code consists of four characters, the letter suffix shall be added to the first three characters of the base code.

(iv) The transportation industry shall file with the Commission in tariff form a list of the assigned alphabetical codes and the names of the carriers and agents to which they are assigned. This tariff shall be amended every three months (if the list has changed during that period) to maintain it in an updated condition. The amendments shall amend the list to the extent of showing changes, additions, and cancellations. The tariff, if in bound form, shall comply with the supplemental and volume limitations for tariffs provided in Part 1310 of this chapter. Partial amendments to the list may be shown in each supplement, and more than one partial amendment may be in effect at the same time. Only one tariff containing a list of codes may be in effect at one time.

(3) A standard tariff number assigned to a tariff shall consist of not more than four digits. The grouping of the numbers shall be established by the carrier or agent according to the particular types of tariffs involved, and the number assigned to a tariff must conform to that grouping.

(4) The assigned number will remain the same from reissue to reissue of the tariff. A new tariff, not a reissue, shall not show a letter suffix following the tariff number, and the first reissue of it shall show the letter suffix A, the next reissue B, and so on until Z, following which the letter suffix A will again be used and the process repeated. In the example in paragraph (c)(1) of this section, the first reissue of tariff ICC ABCD 2000 would be ICC ABCD 2000-A, the next reissue ICC ABCD 2000-B, and so on. Where the ICC number on a tariff is changed to a standard ICC designation, there may be no letter suffix, or as an alternative, any letter suffix may be used, and reissues proceeding from there alphabetically. A carrier or agent may not on any of its tariffs provide a tariff number for its own purpose that is different in any respect from that used in the ICC designation, and whole numbers (not fractional or decimal) must be employed. The purpose is to dispense with and prohibit dual systems of numbering any tariff.

(5) A standard tariff number which has been previously but is no longer assigned and used on an effective tariff may be reassigned after the last tariff to which it was assigned has been canceled for at least 5 years.

(6) When a carrier or agent adopts the standard ICC designation system and obtains a code, it must continue to use such system and file no new tariffs using the ICC consecutive numbering system. The ICC designation of a tariff which employs this system may not be changed.

(7) Tariff indexes containing the old ICC numbers of indexed tariffs shall be corrected to show the new ICC designations not later than 90 days from the effective date of the changeover of the particular tariff series in each case.

(8) Any tariff which refers to another as a governing publication or otherwise, using the standard ICC designation in such reference must clearly spell out the name of the carrier or agent whose tariff it is, or under the Explanation of Abbreviations or other appropriate place in the tariff explain

the code as to the name of the carrier or agent for which it stands. If the code is assigned to the tariff, the explanation must clearly identify the tariff, including the name of the issuing agent.

(9) Tariffs that use numerical or alphabetical codes to identify carriers in connection with routing, participating carrier lists, et cetera, must convert such codes to the standard carrier codes not later than March 1, 1981.

(10) In applying the regulations in this part in connection with tariffs issued in, or converted to, the standard ICC designation system, any reference in such regulations, either expressed or implied, to the ICC consecutive numbering system and to "series" shall be construed to apply as well to the standard ICC designation system.

(d) *Conversion to new system.* (1) Each carrier or agent must obtain its standard code before it adopts the standard ICC designation system. A carrier or agent may elect to convert to the standard system only as each tariff is reissued, or a new one (not a reissue) is published, or in the alternative to convert all its existing tariffs at one time. In any event, all tariffs, except as otherwise provided in § 1304.43(c)(9), must be converted by March 1, 1979. If all existing tariffs are converted at one time, the notice of the conversion in each tariff shall be made by special supplement. Such supplement shall contain no other matter, shall not be canceled, shall be considered exempt from the supplemental limitations in this part for the life of the tariff involved, and shall be shown as a supplement to the old tariff. The supplement may be published on not less than 1 day's notice, and shall contain a notice reading substantially as follows:

NOTICE OF CHANGE OF ICC NUMBER

Effective (here show date which is next following the general effective date of the supplement) the ICC designation of this tariff, as heretofore amended, is changed to (here show new tariff designation). All amendments to this tariff will hereafter use the new designation.

Any reference in any other tariff to this tariff by the previous ICC designation shall be construed as referring to this tariff by the new designation.

(2) Any reference in one tariff to another tariff by its old ICC number, after such referred-to tariff has been reissued or converted using the standard ICC designation system, must be corrected by publication(s) filed within 60 days of the effective date of the changed designation. Such references may be corrected upon not less than 1 day's notice. A supplement issued to a bound tariff for the purpose of effecting such correction, and containing no other matter, may be issued and maintained without regard to the supplemental matter limitations of this part. If the corrections as to any particular bound tariff would require more than one page of tariff matter, corrections may be made by "Amendment to * * *" an item or other tariff unit provided the supplement contains only such corrective matter and is retained as a separate effective supplement (not reissued) for the life of the tariff or until all affected amended tariff items or units are reissued. Use of Blanket form of supplement (a common supplement to two or more tariffs) to bound tariffs is authorized subject to the same conditions set forth in this paragraph.

(3) A loose-leaf tariff may only be changed to the standard ICC designation system, without complete reissue, by issuance of the supplement authorized in this paragraph plus a revised title page (effective the same date as the supplement and upon the same notice), subject to the further condition that the new title page and each new or revised page issued thereafter shall show in connection with the standard ICC designation the words "Formerly ICC" followed by the old number.

(4) Tariffs (not supplements or loose-leaf page revisions) which are completely compiled and in the hands of the printer for publication, not filed, at the time of the complete changeover by a carrier or by an agent, which bear the old-type ICC designation, may be filed if accompanied by the supplement authorized in this paragraph and in the case of a loose-leaf tariff by revised title page, and the circumstances explained in the letter of transmittal accompanying the filing.

(5) When a tariff filed in the names of two or more agents is converted, the conversion must become effective on the same date for all the agents involved.

[43 FR 8536, Mar. 2, 1978]

§ 1304.44 Codes for identification of places.

(a) *Definition.* As used in this part, the term "code for identification of places" means any numeric or alphabetic system used to represent, or identify, places, points, facilities, or locations.

(b) *Use.* Codes for identification of places may be used instead of, or in addition to, the naming of places, points, facilities, or locations; provided that an explanation of the code (showing the code together with the name of the place, point, facility, or location represented by the code) is contained in the same tariff utilizing the code, or in a separate tariff specifically named as a governing publication.

(c) *Listing.* When codes for identification of places are used in lieu of named places, and if the regulations in this part require the place names to be published in alphabetical order, the codes for identification of places shall be published in numerical order (if a numeric code) or in alphabetical order (if an alphabetic code).

[46 FR 34804, July 6, 1981]

§ 1304.45 Standard codes for commodity identification.

(a) *Definition.* As used in this part, the term "standard transportation commodity code" (STCC) means the standard transportation commodity codes assigned by the Association of American Railroads as contained in tariffs filed with the Commission.

(b) *Use.* Standard transportation commodity codes may be used instead of, or in addition to, the naming of commodities in tariffs or schedules. In the event that a tariff code description would be at variance with its accompanying named-commodity description, the presumption is that the named commodity description is accurate, and that the code description is inaccurate. This presumption may be rebutted by a showing of clear evidence of the commodity actually transported. Tariffs or schedules using the codes shall contain, or refer to a tariff publication which contains, the code assignments. Carriers do not need to be shown as participants in the code assignment tariff, and any tariff or schedule may refer to it. The standard transportation commodity codes are the only codes, standing alone, that may be used to identify commodities.

(c) *Listing.* When commodity codes are used in lieu of named commodities, and where the regulations in this part require commodity names to be published in alphabetical order, the standard transportation commodity codes shall be published in numerical order.

(5 U.S.C. 553; 49 U.S.C. 10762)

[45 FR 60441, Sept. 12, 1980]

§ 1304.100 Express-motor tariffs, with certain exceptions, must conform to provisions of Tariff Circular No. 19–A.

All tariffs except as otherwise provided in this part or unless otherwise authorized by special permission of the Commission, containing any express-motor rate (local or joint), must conform to all the provisions of Tariff Circular No. 19–A (this part) and effective supplements thereto (except §§ 1304.5, 1304.27, 1304.28, 1304.29, 1304.30, 1304.39, and rules which by their own terms apply only to the transportation of property by rail), subject to the exceptions and additions provided in this part.

§ 1304.101 Number of copies; transmittal.

Carriers and publishing agents shall transmit to the Commission five copies of each tariff, supplement, classification or other schedule (including indexes) containing express-motor rates (local or in one package and forwarded under one letter of transmittal and addressed "Injoint), all of such copies to be included in one package and forwarded under one letter of transmittal and addressed "Interstate Commerce Commission, Section of Tariffs, Washington, D.C. 20423." When local or joint express-motor rates are included in a supplement to a tariff previously on file and containing express rates, such supplement and all succeeding supplements to that tariff (whether or not they contain any local or joint express-motor rates) shall be subject to this section.

§ 1304.102 Publication and filing of local and joint express-motor rates.

Local and joint express-motor rates must be published and filed not less than 30 days before their effective date.

§ 1304.103 Tariffs containing express-motor rates.

(a) The title page of tariffs and supplements thereto containing express-motor rates (local and joint) shall show in the upper right-hand corner immediately under the ICC number (as required by § 1304.3(b)) an additional number to be designated ME-ICC No. — (progressive series beginning with No. 1). Cancellations in the ME series shall be made in the manner required by § 1304.3(b).

(b) When local or joint express-motor rates are established for the first time in a supplement to a tariff then on file with the Commission containing express rates such supplement must assign an ME-ICC number to the tariff. Such supplement must be designated as supplement 1 to the ME-ICC number, and subsequent supplements (whether or not they contain any local or joint express-motor rates) must be numbered consecutively in the ME-ICC series. It will not be necessary to furnish the Commission with additional copies of the tariff or previous supplements thereto.

(c) Tariffs containing joint express-motor rates shall show on the title-page a statement indicating that such tariffs contain joint rates with common carriers of property by motor vehicle, including also either a brief description of the territory or points from and to which such joint express-motor rates apply, or reference to a separate publication published and filed in compliance with § 1304.112(b).

§ 1304.104 Joint express-motor rates limited to certain defined carriers.

Joint express-motor rates may be made only between express companies listed in § 1304.0(b)(4) and common carriers of property by motor vehicle holding lawful certificates of public convenience and necessity, and only for operations of such carriers covered by such certificates.

§ 1304.105 Use of intermediate rules.

Joint express-motor rates may not be made applicable to or from points on the lines of participating motor carriers by the use of intermediate rules.

§ 1304.106 Joint rates applicable regardless of lower aggregate.

Tariffs containing joint express-motor rates that have been duly established for application via a route shall contain either (a) a provision that the charges under such rates from point of origin to destination are the applicable charges via that route notwithstanding that they may be higher than the aggregate charges under the separately-established rates of the respective motor carriers and express companies to and from the junction where the freight is received from, or delivered to, the motor carrier; or, (b) reference to a separate governing tariff containing such provision.

§ 1304.107 Separation of all-motor and express-motor rates.

(a) All-motor rates may not be published in any schedule containing local or joint express-motor rates.

(b) (Exceptions to § 1304.10(a)) Rules that govern, and also rates and charges for storage, weighing, diversion, reconsignment, icing, refrigeration, heat, and other transit, terminal or special services including absorptions and allowances, applicable at points on the lines of motor carriers participating in joint express-motor rates, shall be published either in the tariffs containing the joint express-motor rates, or in a separate tariff filed under an ICC number restricted for application only in connection with joint express-motor rates. Such separate tariff shall be subject to all the provisions of this part and specific reference by ICC number to such separate tariff must be made in the tariffs of joint express-motor rates in connection with which such arrangements apply.

(c) No rule or provision of an all-motor tariff filed with the Bureau of Operations under an MF number may be made applicable to or made to govern any joint express-motor rates.

CROSS REFERENCE: For definitions of "express-motor rates" and "all-motor rates," see § 1304.0(b)(3), (6).

§ 1304.108 Indexing joint express-motor tariffs.

(a) Each express company that becomes a party to a joint express-motor rate or tariff shall thereafter subdivide each of the three sections of the index of tariffs required by § 1304.11 so as to provide separately in each section a list of tariffs containing joint express-motor rates, showing as to each of such tariffs the information now required by the said section.

(b) Each express company that issues any tariff or tariffs containing local or joint express-motor rates shall include in the third section of the index required by § 1304.11 a separate list of all of its effective schedules bearing ME-ICC numbers in numerical order.

(c) If a joint express-motor tariff is added to an index on file with the Commission by a supplement, such supplement shall assign an ME-ICC number to the index and five copies of the supplement and each succeeding supplement shall be sent to the Interstate Commerce Commission, Section of Tariffs.

§ 1304.109 Powers of attorney and concurrences applicable to express-motor rates.

(a) *Carriers required to execute and file; powers of attorney and concurrences.* All common carriers by motor vehicle participating in joint express-motor rates shall execute and file with the Commission concurrences or powers of attorney substantially in accordance with the forms prescribed in §§ 1304.16 to 1304.23.

(b) *Additional number.* Powers of attorney and concurrences applicable to joint express-motor rates shall show, as to powers of attorney issued under § 1304.16, an additional number in a new series entitled "MEXA1-", and as to concurrences issued under §§ 1304.17 to 1304.23, shall show an additional number in a new series entitled "MEXC1-", such numbers to be used consecutively commencing with No. 1, regardless of the EX form used.

(c) *Extra copy required.* In addition to the requirements of §§ 1304.16 to 1304.23, one extra copy duly executed and attested of each power of attorney or concurrence applicable to a joint express-motor rate or tariff shall be transmitted with the original.

(d) *Revocation and transfer notices.* Where powers of attorney and concurrences are revoked or transferred, the revocation or transfer notices shall refer to the MEXA1 or MEXC1 number (as the case may be) as well as to the EX number.

(e) *Carrier's names.* When a motor carrier issuing a power of attorney or concurrence is not a corporation, such motor carrier shall use the correct name which appears in its certificate (or application, if certificate has not yet been issued) and such power of attorney or concurrence must be signed by an officer, or other person duly authorized to execute such instruments for such carrier.

§ 1304.110 Tariffs containing express-motor rates for transportation of explosives.

Tariffs containing local or joint express-motor rates applicable to the transportation of explosives and other dangerous articles must contain the regulations promulgated by the commission governing the transportation thereof by motor vehicle, or must give specific reference to the number of the legally filed publication which contains such regulations, and provide that the portion of the through transportation by motor vehicle shall be subject to such regulations.

§ 1304.111 Posting of tariffs containing express-motor rates.

(a) All tariffs containing local or joint express-motor rates shall be posted at the stations or offices of the express companies named in § 1304.0(b)(4) in the manner required by section 6 of Part I of the Interstate Commerce Act for all-rail or rail-water transportation.

(b) Where the participating motor carrier is other than an intermediate carrier each tariff containing joint express-motor rates must be posted at the stations or offices of the motor carrier from, to, or at which such rates apply and at which station or office an exclusive agent is maintained. A general file of all such tariffs shall also be maintained at the principal place of business of such motor carrier and must be available for public inspection and examination at all reasonable times.

§ 1304.112 Publication and filing of a directory by express companies.

(a) *Directory of stations.* Each of the express companies listed in § 1304.0(b)(4) must publish and file a directory containing a complete list of the stations or offices at which property is received for transportation by express, arranged so as to indicate clearly which of such stations or offices are served by railroad, by water, by motor vehicle, or by two or more of such forms of transportation. All tariffs of rates must make reference to such directory by ICC and ME-ICC number.

(b) *List of participating motor carriers in joint express-motor rates with correct name of carrier and reference to concurrence.* Each of the express companies listed in § 1304.0(b)(4) participating in joint express-motor rates shall include either in the directory specified in paragraph (a) of this section or in a separate publication, a list of all participating common carriers of property by motor vehicle arranged by name in alphabetical order, showing the individual names and firm names or, in the case of a corporation, its correct name, with city and State in which their principal offices are located, together with the number of the certificate or certificates under which each such common carrier by motor vehicle operates, and the number or numbers of the concurrence or concurrences filed by such motor common carriers. If a carrier consists of an individual or individuals operating under a trade name, the trade name shall precede the name of the individual operator or names of partners. The list shall show as to each participating motor carrier the points between which express traffic is transported by it under joint express-motor rates, and the points at which interchange is made between the express company and such motor carrier.

PART 1305—POSTING TARIFFS AT STATIONS

Subpart A—Freight Tariffs of Common Carriers by Rail, Water, or Pipe Line, and Freight Tariffs of Common Carriers by Motor Vehicle Containing Joint Motor-Rail, Motor-Water, and/or Motor-Rail-Water Rates

Sec.
1305.0 Application—posting of tariffs defined.
1305.1 Carriers required to post tariffs at stations.
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1305.3 Location of complete public files of tariffs.
1305.4 Selection of posting places.
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Subpart B—Passenger Tariffs of Common Carriers by Rail or Water and Passenger Tariffs of Common Carriers by Motor Vehicle Containing Joint Motor-Rail, Motor-Water, and/or Motor-Rail-Water Fares, also Passenger Tariffs of Sleeping Car Companies [Reserved]

Subpart C—Freight Tariffs of Common Carriers by Water

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1305.201 Carriers required to post tariffs.
1305.202 Location of complete public file of tariffs.
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Subpart D—Passenger Tariffs of Common Carriers by Water [Reserved]

Subpart A—Freight Tariffs of Common Carriers by Rail, Water, or Pipe Line, and Freight Tariffs of Common Carriers by Motor Vehicle Containing Joint Motor-Rail, Motor-Water, and/or Motor-Rail-Water Rates

AUTHORITY: Sec. 6, 24 Stat. 380, sec. 12, 24 Stat. 383; 49 U.S.C. 6, 12.

SOURCE: 32 FR 20574, Dec. 20, 1967, unless otherwise noted.

§ 1305.0 Application—posting of tariffs defined.

(a) The regulations in this subpart shall also govern the posting (by carriers subject to the jurisdiction of the Interstate Commerce Commission) of any tariff containing a through route and joint rate over the lines of a common carrier by railroad, pipeline, or water, or by railroad jointly with a common carrier by motor vehicle, subject to the Interstate Commerce Act, on the one hand, and a vessel-operating common carrier by water engaged in the foreign commerce of the United States, as defined in the Shipping Act, 1916, on the other hand, and all other tariffs governing the application of the rate tariff, for the transportation of property between any place in the United States and any place in a foreign country. The carrier subject to the jurisdiction of this Commission receiving shipments at a port for delivery to points in the United States under joint through rate and route arrangements shall post at its station at such port the tariffs naming such rates and its governing tariffs. See § 1300.67.

(b) The term "post" as used in this part means the maintenance of a file of tariffs in the custody of an agent of the carrier in a complete, accessible, and usable form, and keeping such file of tariffs available to the public upon request during ordinary business hours. The term "tariff" as used in this part includes tariff supplements or amendments.

[41 FR 9353, Mar. 4, 1976]

§ 1305.1 Carriers required to post tariffs at stations.

(a) Each railroad and each common carrier by water shall post at each station (loading port as to water carriers) at which freight is received for transportation and at which an agent is employed all tariffs (including those filed for it by tariff-publishing agents or by other carriers with its concurrence) which contain rates applying from that station or which contain terminal or other charges applicable at that station, together with all other tariffs needed to determine the application of such rates or charges, excepting tariffs which show only the marked capacities, lengths, dimension and cubical capacities of cars. There shall also be posted at each such station an index of the carrier's freight tariffs in form as provided in § 1300.11 of this subchapter (Rule 11 of Tariff Circular No. 20).

(b) Each common carrier by motor vehicle shall post at each station or office at which freight is received for transportation and at which an agent is employed all tariffs containing joint motor-rail, motor-water, and/or motor-rail-water rates applying from or at such station or office.

§ 1305.2 Relief from requirements.

If any tariff so posted (other than a tariff index) has not been used for a substantial length of time the posting of that tariff, including reissues thereof, may be discontinued at that station until such time as a request is made to the carrier's agent to have it reposted. It shall then be reposted within 20 days and thereafter kept posted.

§ 1305.3 Location of complete public files of tariffs.

(a) Each common carrier by rail, water, and pipeline shall post at its principal office a complete set of all tariffs which it issued or to which it is a party, together with an index thereto, and each rail carrier with 5,000 miles or more of first main track (including branch lines but excluding yard, terminal, and industrial tracks) shall also post at not less than one additional point a complete set of all tariffs (see Note) which it issues or to which it is a party. In determining the number of miles of first main track operated, family lines may be considered as a unit and subsidiary carriers as a part of the controlling carrier.

NOTE: Switching and terminal railroads need maintain at their principal office a complete file of their local tariffs only.

A small carrier which has authorized its principal connecting carrier to file tariffs on its behalf may have its tariffs included in the complete public tariff file of such connecting carrier without such small carrier maintaining a separate complete public file.

(b) Each common carrier by motor vehicle shall post at its principal office a complete set of tariffs containing joint motor-rail, motor-water, and/or motor-rail-water rates or charges which it issues or to which it is a party.

§ 1305.4 Selection of posting places.

When posting places in addition to the principal office are required, railroads shall select posting places which, in their judgment, will best serve and promote the convenience of the public in using the tariffs. The places selected shall be cities directly served by the railroad. Each railroad shall advise the Commission by letter of the posting places selected and of any changes thereafter made. The Commission may, after reasonable investigation and without formal hearing, designate posting places in addition to or in substitution of those selected by the carrier.

§ 1305.5 Time of posting.

Each tariff must be posted at least 30 days before its effective date, excepting those as to which the Commission has authorized a shorter period of notice to the public. Each carrier shall require the agent at every station or office at which tariffs are posted to write or stamp on each tariff the date on which it was posted.

§ 1305.6 Tariff files to be accessible to the public.

Each file of tariffs shall be in charge of an agent of the carrier. Each carrier shall require and instruct such agent to afford inquirers an opportunity to examine any of such tariffs without asking the inquirer to assign any reason therefor, and, upon request, to lend assistance to seekers of information therefrom with all promptness possible and consistent with proper performance of other duties.

§ 1305.7 Notice required to be posted.

Each carrier shall also cause to be displayed continuously in a conspicuous public place at each station or office at which tariffs are required to be posted, a notice printed in large type reading as follows:

> With only such exceptions as have been authorized by the Interstate Commerce Commission, all tariffs which contain rates and charges applying from or at this station are on file in this office, together with an index of all of this company's freight tariffs. The tariffs and index may be inspected by any person upon application and without the assignment of any reason for such inspection. The agent on duty in this office will lend any assistance desired in securing information therefrom.
>
> If request is made for a tariff naming rates from this station, the posting of which has been discontinued because of nonuse, the agent will arrange to have it reposted within 20 days and thereafter keep it posted.
>
> In addition a complete file of all of this company's tariffs, with indexes thereof, is maintained and kept available for public inspection at:
>
> (Here indicate the place or places where complete tariff files are maintained, including the street address and, where appropriate, the room number.)

§ 1305.8 Check-up on files of tariffs.

Each carrier shall place in effect a system of supervision that will insure the continued maintenance in proper and readily accessible form of tariff files required at each station and also at each office where complete files are maintained. Such stations and offices must be furnished at least once a year with a list of all of the tariffs which should be in their files. Upon receipt of the list the agent or employee in charge will immediately check the tariffs on hand against the list, and report any deficiencies. Evidence of improper maintenance of files at any station or office may incur the prescription of detailed instructions to the carrier by the Commission necessary to insure compliance with the regulations.

Subpart B—Passenger Tariffs of Common Carriers by Rail or Water and Passenger Tariffs of Common Carriers by Motor Vehicle Containing Joint Motor-Rail, Motor-Water, and/or Motor-Rail-Water Fares, also Passenger Tariffs of Sleeping Car Companies [Reserved]

CROSS REFERENCE: For posting regulations applicable to passenger tariffs of common carriers by rail or water and passenger tariffs of motor common carriers containing joint motor-rail, motor-water, and/or motor-rail-water fares, also passenger tariffs of sleeping car companies, see Part 1303 of this chapter.

Subpart C—Freight Tariffs of Common Carriers by Water

AUTHORITY: Sec. 304, 54 Stat. 933, sec. 306, 54 Stat. 935; 49 U.S.C. 904, 906.

SOURCE: 32 FR 20574, Dec. 20, 1967, unless otherwise noted.

NOTE: This subpart is applicable to the posting of freight tariffs constructed in conformity with Subpart A of Part 1308 of this chapter covering the transportation of property by common carriers by water which was not subject to the jurisdiction of the Federal Maritime Commission or the Interstate Commerce Commission prior to January 1, 1941.

CROSS REFERENCE: For posting regulations applicable to freight tariffs constructed in conformity with Part 1300 of this chapter see Subpart A of this part.

§ 1305.200 Posting of tariffs defined.

The term "post" as used in this part means the maintenance of a file of tariffs in the custody of an agent of the carrier in a complete, accessible, and usable form, and keeping such file of tariffs available to the public upon request during ordinary business hours. The term "tariff" as used in this part includes tariff supplements or amendments.

§ 1305.201 Carriers required to post tariffs.

Each common carrier by water shall post at each loading port at which freight is received for transportation and at which an agent is employed all tariffs (including those filed for it by tariff-publishing agents) which contain rates applying from that port or other charges applicable at that port, together with all other tariffs needed to determine the application of such rates or charges.

§ 1305.202 Location of complete public file of tariffs.

Each common carrier by water shall post at its principal office a complete set of tariffs which it issues, also tariffs containing joint water rates to which it is a party.

§ 1305.203 Time of posting.

Each tariff must be posted at least 30 days before its effective date, excepting those as to which the Commission has authorized a shorter period of notice. Each carrier shall require the agent at every port or office at which tariffs are posted to write or stamp on each tariff the date on which it was posted.

§ 1305.204 Tariff files to be accessible to the public.

Each file of tariffs shall be in charge of an agent of the carrier. Each carrier shall require and instruct such agent to afford inquirers an opportunity to examine any of such tariffs without asking the inquirer to assign any reason therefor, and, upon request, to lend assistance to seekers of information therefrom with all promptness possible and consistent with proper performance of other duties.

§ 1305.205 Check-up on files of tariffs.

Each carrier shall place in effect a system of supervision that will insure the continued maintenance in proper and readily accessible form of tariff files required at each port and also at its principal office where a complete file is maintained. Evidence of improper maintenance of files at any port or office may incur the prescription of detailed instructions to the carrier by the Commission necessary to insure compliance with these regulations.

Subpart D—Passenger Tariffs of Common Carriers by Water [Reserved]

Cross Reference: For posting regulations applicable to passenger tariffs of common carriers by water see Part 1303 of this chapter.

PART 1306—PASSENGER AND EXPRESS TARIFFS AND SCHEDULES OF MOTOR CARRIERS

Cross References: For provisions pertaining to suspension supplements affecting all carriers subject to the publishing rules contained in §§ 1306.0–1306.15, see § 1307.90.

For regulations governing the construction filing, and posting of tariffs containing passenger fares of motor common carriers joint with railroads and/or water carriers see Part 1303 of this chapter.

Sec.

1306.0 Tariffs, schedules, and minimum fares defined.

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Released Rates

Sec.

1306.50 Released rates; express service.
1306.100 Motor common carriers of property or passengers: Establishment of rates, fares, and other provisions covering emergency transportation of property or passengers, or both.
1306.101 Motor contract carriers of property or passengers: Establishment of actual or minimum rates, fares, etc., covering emergency transportation of property or passengers, or both.

Authority: Secs. 204, 217, 218, 49 Stat. 546, as amended, 560, as amended, 561, as amended; 49 U.S.C. 304, 317, 318, unless otherwise noted.

Source: 32 FR 20576, Dec. 20, 1967, unless otherwise noted.

§ 1306.0 Tariffs, schedules, and minimum fares defined.

All tariffs and schedules filed on and after the effective date hereof must conform to the regulations in this part, except as otherwise authorized by the Commission.

(a) The term "tariff" as used in this part means a publication stating the fares and charges of a common carrier, and all rules which it applies in connection therewith.

(b) The term "schedule" as used in this part means a publication stating the minimum fares and charges of a contract carrier, and all rules which it applies in connection therewith.

(c) The term "post" as used in this part means the maintenance of a file of tariffs in the custody of carrier's agent or other representative in a complete, accessible and usable form, which is available during ordinary business hours to the public upon request.

(d) The term "suburban service" as used herein means the transportation of passengers over a regular route between places or communities the limits of which are not more than 75 miles apart as measured by air line distances.

(e) The term "commutation fare" as used herein means the amount charged for a ticket good for travel for a limited number of trips (not for a single round trip) or for an unlimited number of trips within a certain period of time, the amount charged being less than would be paid in the aggregate at the normal one-way fare for the maximum number of separate trips possible.

COMMON CARRIER TARIFFS

§ 1306.1 Construction and filing of tariffs.

(a) *Style and size.* All tariffs and supplements thereto must be in book, pamphlet, or loose-leaf form of size 8 by 11 inches. They must be plainly printed, mimeographed, planographed, stereotyped, or reproduced by other similar durable process on paper of good quality.

(1) No alteration in writing or erasure shall be made in any tariff or supplement thereto.

(2) A margin of not less than five-eighths of an inch without any printing thereon must be allowed at the binding edge of each tariff and supplement.

(b) *Filing and posting.* Except as provided in § 1306.4, and unless otherwise authorized by the Commission, all tariffs and supplements must be filed and posted at least 30 days prior to the effective date thereof.

(c) *Number of copies to be filed.* Issuing carriers or their agents shall transmit to the Commission three copies of each tariff, supplement, or revised page. All copies shall be included in one package accompanied by a letter of transmittal listing all tariffs enclosed and addressed to the Interstate Commerce Commission, Bureau of Traffic, Washington, D.C. 20423. All postage, etc., must be prepaid.

§ 1306.2 Title page of every tariff and supplement shall show in the order named.

(a) *Serial number of tariffs.* (1) On the upper right-hand corner of each tariff, the ICC identification. Prior to March 1, 1979, tariffs may use either one of two systems of identification, subject to certain restrictions. One is the numbering system whereby each carrier and agent numbers each new issue consecutively. The other is the system employing both alphabetical characters (the code signifying the issuing carrier or agent or, in some instances the kind of tariff—see § 1306.18(c)(2)(ii)) and numbers (the carrier's or agent's own tariff number including a suffix letter, if any). See § 1306.18—ICC Numbering Systems for details. While both systems are "ICC numbers," the first is referred to in these rules as the "MP-ICC or ME-ICC number" and the other is differentiated by referring to it as "standard ICC designation."

(2) When tariffs are issued canceling a tariff or tariffs previously filed, immediately under the designation or number shall be shown the ICC designation or MP-ICC number of each tariff canceled thereby.

(b) *Serial number of supplements.* supplements to a tariff in addition to showing the MP-ICC number of the tariff amended thereby shall be numbered beginning with the No. 1 and such information shall be shown in the upper right-hand corner. Supplements shall also show in the upper right-hand corner the number of any previous supplement canceled thereby and also the numbers of the supplements containing all changes from the tariff.

Example:

Supplement No. 3

to

MP-ICC No. 1

Cancels Supplement No. 2

Supplements Nos. 1 and 3 contain all changes

(c) *Name of participating carrier.* Name of carrier or name of agent issuing tariff.

(1) Whenever two or more carriers join in a thorough fare or charge the names of all such carriers must be shown. The name of a carrier must be the same as that appearing in its application for a certificate. In the event of a successor its name must be shown as "Successor to ——————————" as follows:

Example:

John Doe and William Doe

(Successors to A. B. C. Transportation Co.)

(2) If the carrier is not a corporation, and a trade name is used, the name of the individual or partners must precede the trade name.

Example:

John Doe and William Doe doing business as A.B.C. Transportation Co.

(3) Whenever two or more carriers join in a through fare or charge, authority by means of proper power of attorney or concurrence, as provided in § 186.15, must be given the agent or carrier publishing the tariff.

(d) *Territorial application.* A brief description of the territories in which, or points from and to or between which, the tariff applies briefly stated.

(e) *Dates.* Dates of issue and date effective.

(f) *Issuing officer.* Name, title, and street address of officer or agent by whom tariff is issued.

(Sec. 310a, 5 U.S.C. 553, 558; 49 U.S.C. 5, 6, 12, 20, 310a, 319, 904, 906, 1003, 1005, 1013; sec. 12, 24 Stat. 383 as amended, secs. 5, 6, 12, 24 Stat. 380 as amended, sec. 20, 24 Stat. 386 as amended; 49 Stat. 563, as amended; sec. 210a, 52 Stat. 1237, 1238, as amended; secs. 304, 306, 54 Stat. 933, 935; secs. 403, 405, 413, 56 Stat. 285, 287, 295; 80 Stat. 378)

[32 FR 20576, Dec. 20, 1967, as amended at 43 FR 8538, Mar. 2, 1978]

§ 1306.3 Tariffs shall contain in the order named.

(a) *Table of contents.* Table of contents, arranged in alphabetical order showing the number of the page on which each subject may be found. If a tariff contains so small a volume of matter that its title page or interior arrangement plainly discloses its contents, the table of contents may be omitted.

(b) *Abbreviations and symbols.* Explanation of all abbreviations, symbols, and reference marks used in the tariff.

(c) *Table of fares.* (1) An explicit statement of the fares in cents or in dollars and cents, together with the names or description of the points from and to which they apply. The names of the States in which the points are located must be shown.

(2) Tariffs containing tables of fares based on distances from point of origin to destination must show the milages or indicate a definite method by which such milages shall be determined.

(d) *Conflicting fares.* Carriers or their agents may not publish fares or charges which duplicate or conflict with fares or charges published by or for account of such carriers.

§ 1306.4 Round trip excursion fares.

(a) *Sale of tickets.* Fares for round-trip excursions may be established, without further notice, upon posting tariffs in advance in a public and conspicuous place where tickets for such round-trip excursions are to be sold, and filing two copies thereof with the Commission, as follows:

(1) For a round trip excursion limited to a designated period of not more than 3 days, including the first date any ticket to be sold under the tariff may be used for the going journey and the last date any ticket to be sold under the tariff may be used for the return journey, upon posting and filing with the Commission on not less than 1 workdays' notice;

(2) For a round-trip excursion limited to a designated period of more than 3 days but not more than 30 days, including the first date any ticket to be sold under the tariff may be used for the going journey and the last date any ticket to be sold under the tariff may be used for the return journey, upon posting filing with the Commission on not less than 3 workdays' notice;

(3) For a series of roundtrip excursions, such series covering a period not to exceed 30 days, including the first date any ticket to be sold under the tariff may be used for the going journey and the last date any ticket to be sold under the tariff may be used for the return journey, upon posting and filing with the Commission on not less than 3 workdays' notice as to the entire series;

(4) For the purposes of this section, a workday shall be considered any day except Saturday, Sunday, or a legal holiday in the District of Columbia. A legal holiday of less than 1 day shall be considered a workday within the meaning of this section.

(b) *Term "round-trip excursion."* The term "round-trip excursion" as used in this section means an excursion between points on the regularly operated route or routes of a common carrier, and is not intended to embrace so-called special or charter operations.

(c) *Supplements.* No supplement may be issued to any tariff which is published under this section except for the purpose of canceling the tariff.

(d) *Title page.* Each tariff issued under this section must bear on its title page the following notation:

> Issued under the authority of Rule 4, Interstate Commerce Commission Tariff Circular MP No. 3.

[32 FR 20576, Dec. 20, 1967, as amended at 42 FR 10995, Feb. 25, 1977]

§ 1306.5 Tariff changes.

(a) *Fares and charges.* Except as provided in § 1306.4 and unless otherwise authorized by the Commission, fares and charges which have been filed with the Commission must be allowed to become effective and remain in effect for a period of at least 30 days before being changed, canceled, or withdrawn.

(b) *Symbols to indicate changes.* (1) All tariffs, supplements, and revised pages shall indicate changes from preceding issues by use of the following symbols:

● or (R) to denote reductions.
♦ or (A) to denote increases.
▲ or (C) to denote changes, the result of which is neither an increase nor a reduction.

(2) Changes resulting in increases which are not identified by proper symbols shall be considered unlawfully published and filed and therefore invalid and not collectable. In such cases, the lawful provisions will be those which were purportedly superseded. Invalid provisions shall be canceled by publications which shall bring forward, or properly amend, provisions which have remained in effect by reason of invalid publication.

(5 U.S.C. 553; 49 U.S.C. 10762)

[32 FR 20576, Dec. 20, 1967, as amended at 45 FR 60439, Sept. 12, 1980]

§ 1306.6 Posting regulations.

(a) *Posting tariffs and supplements.* Each carrier of passengers or express by motor vehicle subject to the provisions of section 217 of Part II of the Interstate Commerce Act shall post and keep posted, to the extent provided in paragraphs (a)(1) and (2) of this section, its tariffs, supplements thereto and/or revised pages thereof, including those filed for it by its duly authorized agent, and by other carriers in which it concurs, also publications containing proposed changes in, cancellations of, additions to, or reissues of, such tariffs, such posting to begin in time to give 30 days' notice, or shorter notice when authorized by the Commission, to the pubic before the effective dates;

(1) At the carrier's principal or central office a complete file of all tariffs which apply from or at any of the carrier's stations, offices, agencies or stops;

(2) At each station, office or agency at which passengers or express, respectively, are received for transportation and at which an agent is stationed for the sale of tickets or for the receipt of express shipments, and who is compensated for such services by a stated salary, all of its tariffs applying from or at such station, office or agency.

(b) *Stamping date of receipt by agent.* Each such carrier shall require its agent or other representative at each station, office or agency at which tariffs are required to be posted, upon receipt of a tariff, supplement thereto or revised page thereof, for posting thereat, immediately to indicate by stamping or writing thereon the date upon which such tariff, supplement or revised page thereto was received.

(c) *Tariff file at stations, offices or agencies to be accessible to the public.* (1) Each file of tariffs shall be kept and maintained in a complete and accessible form, shall be in charge of an agent or other representative of the carrier, and shall be kept available upon request to the public during ordinary business hours. Each carrier shall require and instruct such agent or other representative to afford inquirers opportunity to examine any of such tariff publications without requiring the inquirer to assign any reason therefor, and, upon request, to lend assistance to seekers of information therefrom, with all promptness possible and consistent with proper performance of other duties.

(2) Each such carrier of passengers or express shall also cause to be displayed and maintained continuously in

a conspicuous public place in each station, office or agency at which tariffs are required to be posted by paragraph (a)(2) of this section, a notice, printed in large black type, reading as follows:

NOTICE

(Name of carrier)

The tariffs naming rates, fares, charges, rules and other provisions applying from or at this station are on file in this office, except as authorized by regulations of the Interstate Commerce Commission, and may be examined by any person upon request or with assigning any reason therefor. The agent or other representative on duty in the office will lend assistance, if requested, in securing information from such tariffs.

A complete file of this company's tariffs is located at ———————— (Street address), in the city of ———————— (Name of city and State).

(d) *Notice of nearest available tariff file.* Each such carrier of passengers or express shall cause to be displayed and maintained continuously in a conspicuous public place in each station, office or agency (other than those stations, offices or agencies at which tariffs are required to be posted in paragraphs (a), (1) and (2) of this section) at which its tickets are sold and passengers or express are received for transportation, a notice printed in large black type reading as follows:

NOTICE

(Name of carrier)

The tariffs naming rates, fares, or charges applying from or at this station are available for examination in this company's office at ———————— (Name of city or town and State).

A complete file of this company's tariffs is located at ———————— (Street address) in the city of ———————— (Name of city and State).

The station, office, or agency named in the first paragraph of the above notice shall be the one nearest at which tariffs are required to be posted by paragraph (a) (1) or (2) of this section. The second paragraph of the above notice may be omitted if a complete file of the carrier's tariffs is maintained at the station or office named in the first paragraph of the notice.

(e) *Notice of proposed increases in fares for suburban service.* (1) Each carrier of passengers whose passenger operations over regular routes are confined solely to suburban service also shall notify the public of any proposal to increase its local regular-route fares by means of a notice posted in a conspicuous place in each station, agency, or office where tickets are sold and tariffs containing the proposed increased fares are required to be posted, and in at least two conspicuous places, one in the forward and one in the rear section, in each vehicle engaged in suburban service; and each other carrier of passengers likewise shall notify the public of any proposal to increase commutation fares for suburban service by means of a notice posted in a conspicuous place in each station, agency, or office where commutation tickets for which an increase is proposed and tariffs containing the proposed increased fares are required to be posted, and in at least two conspicuous places, one in the forward and one in the rear section, in each vehicle engaged in the suburban service for which the increase is proposed.

(2) The notice required by paragraph (e)(1) of this section shall be not less than 240 square inches in size, printed in type sufficiently large to permit of its being read under ordinary conditions by passengers seated in the conveyance, and, except as provided in paragraph (e)(3) of this section, shall contain substantially the following legend:

NOTICE OF INCREASED FARES

————————————————

(Name of Carrier)

This carrier has filed with the Interstate Commerce Commission, tariffs proposing increases in fares, effective (Date) for ————

————————————————

(Here describe briefly and generally the kind of transportation, points or localities affected, and the increases proposed.)

Further information as to the proposed increase (including the carrier's statement of justification thereof) will be on file at the regional and district offices of the Commission in each State served by the carrier and affected by the proposal, and at this carrier's stations, agencies, or offices where tickets are sold and tariffs containing the proposed increases are required to be posted, and at its general office ——————

——————————————

(Here give the street address, city, and telephone number)

A copy of the carrier's proposal and statement of justification has been mailed to the Governor and the State's regulatory agency responsible for such matters, and to county transportation agencies—where existent; in States and counties served by the carrier and affected by the proposal.

Under the law, any interested person may protest to the Commission and request suspension of the increased fares. The Commission's rules require that one copy of the protest shall be filed at its office in Washington, D.C., at least twelve* (12) days before the effective date of the increased fares and should indicate in what respect the fares are considered objectionable. The rules also require that a copy of the protest be simultaneously mailed to ——————

——————————————

(Here name the carrier proposing the increased fares)

*In the event the increased fares are published on less than thirty (30) days' notice, the words "at least twelve (12) days" should read "as promptly as possible."

(3) If a proposal to increase fares for suburban service, for which the posting of notice is required by paragraph (e)(1) of this section, is made by petition to the Commission prior to filing tariffs, a notice of the size and legibility required by paragraph (e)(2) of this section, shall be posted as required by paragraph (e)(1) of this section, describing briefly the increases sought, the transportation service for which they are sought, and the points affected. The notice also shall state that interested persons may object to the carrier's petition by filing with the Commission a reply thereto in accordance with the Commission's General Rules of Practice, and that information regarding the Commissions' rules may be obtained by writing to the Secretary of the Commission.

(4) All notices shall be posted as prescribed in paragraph (e)(1) of this section contemporaneously with the filing with the Commission of any tariff containing the proposed increased fares, and also contemporaneously with the filing of any petition with the Commission for authority to increase fares or to file a tariff containing proposed increased fares. Notices with respect to the filing of a tariff shall remain posted until the increased fares become effective, or until suspended by the Commission or withdrawn by the carrier prior to its effective date. Notices with respect to the filing of a petition shall remain posted until action on the petition is taken by the Commission.

(5) A copy of each notice shall be mailed by first-class mail to the Governor and the State agency responsible for such matters, and to county transportation agencies—where existent, in all States and counties served by the carrier and affected by the proposal.

(6) A copy of each notice shall be transmitted in the form of a news release to the principal daily newspaper of general circulation in each municipality in which the carrier takes on or discharges passengers affected by the proposal and which has a population over 25,000. For the purpose of this requirement, a principal newspaper of general circulation is that newspaper of general circulation published in the community having the largest average daily circulation, and in any event shall also include all newspapers of general circulation published therein having an average daily circulation greater than 25,000. In the event that no daily newspaper of general circulation is published in the community, then the notice will be transmitted to the weekly newspaper published therein having the largest circulation.

(f) Notice of proposed increases in fares for intercity and other long-haul service.

Each carrier of passengers engaged in intercity and other long-haul service shall notify the public of any proposal to increase its fares by posting notices in accordance with the requirements governing suburban service set forth in § 1306.6(e) of this section except that: (1) the following matter will be omitted from the contents of the notices required therewith: "A Copy of the carrier's proposal and statement of justification has been mailed to the Governor and the State's regulatory agency responsible for such matters, and to county transportation agencies—where existent, in States and counties served by the carrier and affected by the proposal"; and (2) where the carrier determines that it is impractical to place signs of at least 240 square inches in size in the vehicle as required therein, it may substitute two small signs for any of the larger signs provided that each of the smaller signs is at least 120 square inches in size.

[32 FR 20576, Dec. 20, 1967, as amended at 40 FR 26036, June 20, 1975]

CONTRACT CARRIER SCHEDULES AND CONTRACTS

§ 1306.7 Construction and filing of schedules.

(a) All schedules of contract carriers of passengers must conform to the requirements set forth to govern the construction, filing, and posting of common carriers' tariffs and supplements in §§ 1306.1 to 1306.6.

(1) Wherever in such sections the words "tariff" or "tariffs" appear, substitute the words "schedule" or "schedules."

(2) Wherever in such sections the words "fares or charges" appear, substitute the words "minimum fares or charges."

(3) Wherever in such sections there appears reference to "certificate" substitute the word "permit."

§ 1306.8 Filing of contracts.

(a) Section 218(a) of Part II of the Interstate Commerce Act, provides that the filing of copies of contracts containing the minimum charges of contract carriers for the transportation of passengers or property in interstate or foreign commerce is permitted in the discretion of the Commission.

(b) Whenever it is desired to file copies of contracts in lieu of schedules, carriers must first secure authority from the Commission to do so. Applications requesting permission to file contracts in lieu of schedules must state fully the reasons for the carriers' request. Such applications shall be made in duplicate on paper 8 by 10½ inches.

EXPRESS TARIFFS AND SCHEDULES OF COMMON AND CONTRACT CARRIERS OF PASSENGERS

§ 1306.9 Construction, filing, and posting of express tariffs and schedules.

(a) *Conformity.* Tariffs and schedules of common and contract carriers of passengers containing rates and charges for the transportation of express or express classifications must conform to the requirements set forth to govern the construction, filing and posting of common and contract carriers' passenger tariffs and schedules in §§ 1306.1 to 1306.3, 1306.5 to 1306.8, subject to the modifications, exceptions, and additional requirements set forth in the following sections.

(b) *Substitution of "rates and charges."* (1) Wherever in §§ 1306.1 to 1306.8 and in §§ 1306.14, 1306.15, the words "fares or charges" appear, substitute the words "rates or charges."

(2) When express tariffs are published separately, substitute the abbreviation ME-ICC wherever there appears in the above sections and in §§ 1306.14, 1306.15 the abbreviation MP-ICC. (See also § 1306.13.)

§ 1306.10 Size of tariffs and schedules.

The size of tariffs may be either 8 by 11 inches or 9½ by 11½ inches.

§ 1306.11 Tariffs and schedules shall contain.

(a) *Index.* Immediately following the table of contents, a complete index of all the commodities on which specific rates are named therein, together with reference to the page or items in which they are shown. No index need be shown in tariffs of less than five pages or if all the rates to each destination are alphabetically arranged by commodities.

(b) *Classification.* (1) When a tariff names rates by classes, a classification of articles must be published in the tariff or in a separate tariff. When a classification is published in a separate tariff, reference must be made thereto on the title page of the rate tariff as follows:

> Governed, except as otherwise provided herein, by the [here name] classification [how issuing agent.], ME-ICC No. —— (or

ICC No. ——), supplements to or successive issued thereof.

(2) All carriers shown as originating carriers in a rate tariff which is governed by a separate classification must be named as participating carriers in such separate classification.

(c) *Table of rates.* (1) All rates must be explicitly stated in cents or in dollars and cents per 100 pounds, per barrel, per package, per bundle, or other definable measure.

(2) Where rates are stated in amounts per package or bundle, definite specifications of the packages or bundles must be shown.

(d) *Conflicting rates.* Carriers or their agents may not publish class or commodity express rates which duplicate or conflict with express rates published by or for account of such carriers.

§ 1306.12 Commodity rates.

Commodity rates may be established on any commodity or commodities.

§ 1306.13 Express rates, charges and rules.

(a) *Express matter.* Carriers of passengers by motor vehicle may publish the rates, charges and rules covering the transportation of express in their tariffs or schedules containing passenger fares and charges, provided such express matter is included in a separate section of such tariff. When this is done it will not be necessary for such passenger carrier to publish a separate tariff covering express. However, both the MP-ICC number and the ME-ICC number must be shown.

(b) *Number of copies.* When passenger tariffs contain express rates, charges, and rules, five copies of such issues shall be transmitted to the Commission.

MISCELLANEOUS RULES AND FORMS

§ 1306.14 Applications for special permission.

(a) *Short notice tariffs.* Part II of the Interstate Commerce Act, authorizes the Commission in its discretion and for good cause shown to permit changes in fares and charges on less than statutory notice, and also to permit departure from the Commission's regulations. The Commission will exercise this authority only in cases where actual emergency and real merit are shown. Desire to meet the fares and charges of a competing carrier that has given statutory notice of change in fares and charges will not of itself be regarded as good cause for permitting changes in fares and charges or other provisions on less than statutory notice. Clerical or typographical errors in tariffs constitute good cause for the exercise of this authority, but every application based thereon must plainly specify the error together with a full statement of the attending circumstances and must be presented with reasonable promptness after issuance of the defective tariff, supplement or revised page.

(b) *Note of effectiveness.* When a formal order of the Commission requires publication on a stated number of days' notice, a request addressed to the Bureau of Traffic for authority to file on less notice will not be granted. In any such instance a petition for modification of the order should be filed on the formal docket.

(c) *Applications to establish fares on short notice.* Applications for permission to establish fares, charges, rules, or other provisions on less than statutory notice, or for waiver of the provisions of this tariff circular must be made by the carrier or agent that holds authority to file the proposed publication. If the application requests permission to make changes in joint tariffs, it must state that it is filed for and on behalf of all carriers parties to the proposed change.

(d) *Number of copies; size; form.* (1) Two copies of applications (including amendments thereto and exhibits made a part thereof) shall be addressed to the Interstate Commerce Commission, Bureau of Traffic, Washington, D.C. 20423. An additional exact copy shall be addressed to the office of the Regional Director, Bureau of Operations, Interstate Commerce Commission, of the Region in which the main office of the applicant carrier or publishing agent is located. The application shall indicate that an exact copy including exhibits has been furnished the district office.

(2) Applications shall be made on paper 8 by 10½ inches, shall be in sub-

stantially the form shown in this section,[1] and shall give all the information required by this section together with any other pertinent facts. They shall be numbered consecutively and must bear the signature of the carrier or its agent or officer, specifying title.

(e) *Information to be shown on application.* Applications shall show the following information:

(1) The proposed tariff provisions shall be set forth clearly and completely. An accompanying exhibit may be used if identified by letter, such as Exhibit A, and so referred to in the application. If the proposed provisions consist of fares or charges, all points of origin and destination must be shown or definitely indicated; if permission is sought to establish a rule, the exact wording of the proposed rule must be given.

(2) The application shall show the tariffs in MP-ICC numbers of the publications in which the proposed fares, charges, ratings, rules, or other provisions will be published. If the publication is to be made in supplements to tariffs already referred to, this fact shall be shown.

(3) The application shall set forth the fares, charges, or tariff provisions which it is desired to change. Where the matter to be shown is voluminous or for other reasons difficult of presentation, it may be included in an accompanying exhibit, properly identified and referred to in the application. Reference shall be made by MP-ICC number and supplement number to the tariffs or supplements in which fares, charges, or provisions to be superseded are published. If such provisions are published in numbered items or other units, reference shall be made thereto by number, or, if not so published, the pages of the publication on which the provisions appear shall be shown. The extent to which cancelation will be made must be definitely indicated.

(4) The application shall state the names of carriers known to maintain competitive fares, charges, classification ratings, or rules between the same points or points related thereto, together with the MP-ICC numbers of the tariffs and supplements thereto containing such provisions.

(5) The application shall state whether such carriers have been advised of the proposed fares, charges, classification ratings, or rules and whether they have been advised that it is proposed to establish such provisions on less than statutory notice. If competitive carriers have expressed their views in regard to the proposed provisions, a brief statement of their views shall be given.

(6) The application shall state the special circumstances or unusual conditions which are relied upon as justifying the requested permission together with any related facts or circumstances which may aid the Commission in determining whether the requested permission is justified. If permission to establish provisions on less than statutory notice is sought, the petitioner shall state why the proposed provisions could not have been established upon 30 days' notice.

(f) *Short notice permission.* If the authority granted by special permission is used, it must be used in its entirety and in the manner set forth in the order of special permission. If it is not desired to use all of the authority granted and less or more extensive or different authority is desired, a new application complying with the provisions of this section in all respects and referring to the previous permission must be filed.

§ 1306.15 Powers of attorney and concurrences.

(a) *Agency tariff; size; form.* Whenever a carrier desires to give authority to an attorney and agent to issue and file tariffs and supplements thereto in its stead a power of attorney in the following form shall be used. Size 8 by 10½ inches:

MPXA1 No. ——.
Cancels MPXA1 No. ———.
[Name of carrier],
[Post Office Address],
——————————, 19—.

Know all men by these presents:

That the [name of carrier] has made, constituted, and appointed, and by these presents does make, constitute, and appoint [name of principal agent appointed] its true and lawful attorney and agent for the said carrier, and in its name, place, and stead, (1) for it alone and (2) for it jointly with other carriers, to publish and file tariffs naming [here specify whether fares and charges and/or rules applying from, to, or at points on or via route or routes, or express classifications] as required of common carriers of passengers Part II of the Interstate Commerce Act, and by regulations established by the Interstate Commerce Commission thereunder. [If the authority granted runs only to a specific tariff, so state and describe such issue as follows:]

---

[1] Form available upon request from the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

[Here give exact description of title page of tariff, including MP-ICC number and the name of series. When date of issue and/or effective date are determined such date or dates must be shown.]

And the said [name of carrier] does hereby give and grant unto its said attorney and agent full power and authority to do and perform all and every act and thing above specified as fully to all intents and purposes, as if the same were done and performed by the said carrier, hereby ratifying and confirming all that its said attorney and agent may lawfully do by virtue hereof, and assuming full responsibility for the acts and neglects of its said attorney and agent thereunder.

And further, that the [name of carrier] has made, constituted, and appointed, and by these presents does make, constitute, and appoint as alternate [name of alternative agent appointed] its true and lawful attorney and agent, for said carrier and in its name, place, and stead, (1) for it alone and (2) for it jointly with other carriers in case and only in case of the death or disability of the said [here insert name of principal agent] to do and perform the same acts and exercise the same authority as hereinabove granted to [here insert name of agent first hereinabove named].

In witness whereof the said carrier has caused these presents to be signed in its name by its [here give title of person signing] at [name of city or town] or [name of county] State of [name of State] on this [date] day of [month], 19—.

————————————————
(Name of carrier in full)
By ————————————————
(Name and title of person signing)
Attested ————————————————
(Witness)

[Corporate seal if any.]

(b) *Concurrence form.* Whenever a carrier desires to concur in tariffs issued and filed by another carrier or its agent a concurrence in the following form shall be issued in favor of such other carrier. Size 8 by 10½ inches.

MPXC1 No. —.
Cancels MPXC1 No. —.
[Name of carrier],
[Post Office Address],
————————, 19—.

To the Interstate Commerce Commission,
Washington, D.C. 20423:

This is to certify that the [name of carrier] assents to and concurs in the publication and filing of any tariff or supplement thereto which [name of carrier to whom concurrence is given] or its agent may publish and file and in which this carrier is shown as a participating carrier and hereby makes itself a party thereto and bound thereby, insofar as such tariff or supplement contains [here specify whether fares or charges applying from, to, or at points on or via its route or routes or express classifications], until this authority is revoked by formal notice of revocation filed with the Interstate Commerce Commission and sent to the carrier to which this concurrence is given. [If the authority granted runs only to a specific tariff, so state and describe such issue as follows]:

[Here give exact description of title page of tariff, including MP-ICC number and name of series. When date of issue and/or date effective are determined, such date or dates must be shown.]

————————————————
(Name of carrier in full)
By ————————————————
(Name and title of person signing)
Attested ————————————————
(Witness)

[Corporate seal if any.]

(c) *Filing.* The original of all powers of attorney and concurrences shall be filed with the Commission and a duplicate of the original sent to the agent or carrier in whose favor such document is issued.

(d) *Cancellation.* Whenever a carrier desires to cancel the authority granted an agent or another carrier by power of attorney or concurrence, this may be done by a letter addressed to the Commission revoking such authority, on 60 days' notice. Copies of such notice must also be mailed to all interested parties.

§ 1306.16 Rejection of tariffs and notice of revocation.

(a) Any tariff or schedule, tendered for filing, which fails to give lawful notice of changes in rates, charges or other provisions which it proposes to establish, or which fails to meet the requirements of the regulations contained in this chapter, or violates any order of the Commission or of a court, is subject to rejection by the Commission. When a tariff or schedule is rejected, the Commission, acting through a designated administrative officer, will inform the carrier or the agent who tendered it for filing, in writing, of the reasons for rejection, and will return the rejected tariff or schedule to such carrier or agent.

(b) The number assigned to a tariff or schedule which has been rejected may not again be used. The rejected tariff or schedule may not be referred to in any subsequent tariff or schedule as having been canceled, amended or withdrawn, but the tariff or schedule which is published in its stead must bear the following notation: "Issued in lieu of (here identify the rejected schedule or tariff), rejected by the Commission."

(c) A notice of the revocation, complete or partial, of a concurrence or power of attorney which, if it were to become effective, would require the establishment of rates, fares, or charges in violation of an order of the Commission or of a court, or of the regulations in this chapter, may be rejected in the same manner as a tariff or schedule, and any such notice of revocation which would require the establishment of rates, fares or charges of doubtful lawfulness may be suspended.

§ 1306.17 Transmission of publications to subscribers.

(a) Except as otherwise authorized in paragraphs (b) and (d) of this section, one copy of each new tariff, schedule, supplement, and loose-leaf page must be transmitted to each subscriber thereto by first-class mail (or other means requested in writing by subscriber) not later than the time the copies for official filing are transmitted to the Commission. The letter of transmittal accompanying the copies to the Commission must contain the following certification:

I hereby certify that I have on or before this day sent one copy of each publication listed hereon to each subscriber thereto by first-class mail, or by other means of transmission agreed upon in writing by the subscriber.

____

Signature of person transmitting publication(s)

____

Date

(b) If a new tariff, schedule, or supplement is filed which in its entirety is published under an authority from this Commission to publish and file without notice or on notice of less than ten days, or, if a new loose-leaf page is filed which contains a provision published under an authority from this Commission to publish and file without notice or on notice of less than ten days, paragraph (a) of this section need not be complied with as to such publication if it cannot be or compliance would cause excessive delay, but one copy of such publication must be transmitted to each subscriber thereto by first-class mail (or other means requested in writing by subscriber) within five calendar days, starting with the calendar day following that on which the copies for official filing are transmitted to the Commission, and the letter of transmittal to the Commission must contain the following certification:

I hereby certify that I will within five calendar days after today send one copy of each publication listed hereon to each subscriber thereto by first-class mail, or by other means of transmission agreed upon in writing by the subscriber.

____

Signature of person transmitting publication(s)

____

Date

Included in this exception are supplements issued for the purpose of announcing suspensions made by the Commission, publications (published in the name of a carrier only) announcing adoptions, and publications containing only rates, fares, or provisions covering emergency transportation authorized by this Commission under section 210a(a) of the Interstate Commerce Act.

(c) When copies of different publications are transmitted to the Commission at the same time, some copies of which have been transmitted to subscribers in compliance with paragraph (a) of this section and some copies of which will be transmitted to subscribers in compliance with paragraph (b) of this section, two letters of transmittal must accompany the copies to the Commission, one complying with paragraph (a) of this section and the other complying with paragraph (b) of this section.

(d) If there are no subscribers to any publication listed on a letter of transmittal accompanying the copies for official filing to the Commission, the letter of transmittal must contain the following certification:

I hereby certify that there are no subscribers to the publication(s) listed hereon.

____

Signature of person transmitting publication(s)

____

Date

If copies of different publications are transmitted to the Commission at the same time, some of which are subscribed to and some of which are not, only the provisions of paragraphs (a) or (b) of this section, or both, as the case may be, need be complied with.

(e) Expedited service (when transmitting one copy of each publication) must be provided to each subscriber requesting it. The cost of this service may be passed on to the subscriber.

(f) Carriers and agents shall furnish without delay one copy of any of their tariff or schedule publications, effective or published but not yet effective, to any person upon reasonable request therefor at a reasonable charge not to exceed that assessed a subscriber.

(g) As used herein, the term "subscriber" means a party who voluntarily or upon reasonable request is furnished at least one copy of a particular tariff or schedule and amendments thereto (including reissues thereof) by the publishing carrier or agent. The term does not, however, pertain to requests for a copy or copies of a tariff or schedule without a request for future amendments thereto.

[40 FR 7656, Feb. 21, 1975, as amended at 40 FR 25678, June 18, 1975]

§ 1306.18 ICC numbering systems.

(a) *Compliance.* Until March 1, 1979, every tariff and every schedule must bear an MP-I.C.C. (MP-ICC) or ME-I.C.C. (ME-ICC) number or a standard ICC designation as set forth in paragraphs (b) and (c) of this section. Every effective tariff and every effective schedule on file with this Commission on that date and every tariff and every schedule which is indicated to become effective after that date must bear a standard ICC designation as set forth in paragraph (c) of this section. Conversion from the consecutive MP-I.C.C. (MP-ICC) or ME-I.C.C. (ME-ICC) system to the standard ICC designation system shall be accomplished in the manner set forth in paragraph (d) of this section.

(b) *MP-I.C.C. (MP-ICC) or ME-I.C.C. (ME-ICC) numbers.* The MP-I.C.C. (MP-ICC) or ME-I.C.C. (ME-ICC) numbers shall run consecutively beginning with the next consecutive number in the existing series or, if no tariffs or schedules have been issued previously, beginning with No. 1.

(c) *Standard ICC designation.* (1) The standard ICC designation shall be constructed by use of the characters "ICC," by use of a unique standard tariff, carrier, or agent code consisting of a minimum of two and a maximum of four alphabetical characters, and by use of a standard tariff or schedule number assigned according to the type of tariff or schedule, and in that order. For example, if the carrier or agent or the specific tariff has been assigned the code ABCD and the tariff or schedule has been given the number 2000 by the carrier or agent, the ICC designation would be "ICC ABCD 2000." Tariffs or schedules containing rates, charges, or other provisions published to apply on emergency movements authorized by this Commission under section 210a(a) of the Interstate Commerce Act may be filed without a standard carrier code when the party to whom the authority is issued has not been issued a code. Such publications, however, must comply fully with all other requirements of this paragraph.

(2) (i) The codes shall be assigned by the transportation industry. Only one code shall be assigned to each carrier (even if carrier is of more than one mode) or agent (see paragraphs (c)(2)(ii) and (iii) for exceptions). Each code shall be unique for the carrier or agent to which it is assigned and may not be used by any other, regardless of mode. Each carrier or agent must use only the code assigned thereto and may not use any other, except where a separate code has been authorized for a particular tariff series. A carrier or agent may request that it be assigned a specific code (regardless of whether or not one has been previously assigned), which must be appropriate and not duplicate any other. To the greatest extent practicable, the first two letters of the requested code must relate to the carrier's or agent's name. "A," "An," or "The" forming part of the name of the carrier or agent should not be considered when requesting a code. A court-appointed receiver, trustee, executor, administrator, assignee, et cetera, who assumes possession and operating control of a carrier's lines, whether in whole or in part, shall use the old carrier's code. In all other cases where the name of a carrier is lawfully changed or the operating control (including temporary operating control under section 210a(b) of the act) of a carrier's properties is lawfully transferred in whole or in part to another party under authority of an order of this Commission, and the filing of an adoption notice is required, the code of the new carrier shall be used on the adoption notice and on all original tariffs or schedules filed thereafter in the name of the new carrier. (Where there is a change in the name of the carrier or agent without a change in ownership of a carrier or identity of an agent, a new code shall be assigned unless retention of the same code is authorized by the Commission. Exception: A code assigned for use on a specific tariff of an agent must continue to be used on that tariff. See paragraph (c)(2)(ii) of this section.) A code which has been previously but is no longer assigned may be reassigned after its prior assignment has been canceled for at least 5 years. All requests for codes shall be in writing.

(ii) Consideration shall be given to requests for the assignment of specific codes to specific types of governing tariffs which have a substantial nationwide application for a substantial number of participating carriers. The requested code must not duplicate any other. Such a code shall be assigned only to a tariff published and filed in the name of an agent. To the greatest extent possible a requested code must coincide with the first letter of the primary words in the title of the tariff. Only one such code shall be assigned to a tariff. Each code shall be unique for the specific tariff series to which it is assigned and may not be used by the agent on any other tariff or by any carrier or other agent. (The provisions of this paragraph (c)(2)(ii) do not apply to schedules filed by contract carriers.)

(iii) Consideration shall be given to requests for assignment of a separate code to a carrier for use in identifying separately a division or district of the carrier. The requested code must not duplicate any other. This code shall be in addition to the base code assigned to carrier under the provisions of paragraph (c)(2)(i) of this section. The additional code shall be constructed by the use of the base code together with an appropriate letter suffix, designating the particular district or division thereof, which, including the suffix, may not exceed four alphabetical characters. Where the base code consists of four characters, the letter suffix shall be added to the first three characters of the base code.

(iv) The transportation industry shall file with the Commission in tariff form a list of the assigned alphabetical codes and the names of the carriers and agents to which they are assigned. This tariff shall be amended every three months (if the list has changed during that period) to maintain it in an updated condition. The amendments shall amend the list to the extent of showing changes, additions, and cancellations. The tariff, if in bound form, shall comply with the supplemental and volume limitations for tariffs provided in Part 1310 of this chapter. Partial amendments to the list may be shown in each supplement, and more than one partial amendment may be in effect at the same time. Only one tariff containing a list of codes may be in effect at one time.

(3) A standard tariff or schedule number assigned to a tariff or schedule shall consist of not more than four digits. The first digit of the standard number assigned to a tariff or schedule containing rates, charges, or other provisions covering emergency movements authorized by this Commission under section 210a(a) of the act shall be "9". This digit may not be assigned to any other type of tariff or schedule as a first digit. The grouping of the numbers for other types of tariffs or schedules shall be established by the carrier or agent according to the particular types of tariffs or schedules involved. The number assigned to a tariff or schedule must conform to these groupings.

(4) The assigned number will remain the same from reissue to reissue of the tariff or schedule. A new tariff or schedule, not a reissue, shall not show a letter suffix following the tariff or schedule number, and the first reissue of it shall show the letter suffix A, the next reissue B, and so on until Z, following which the letter suffix A will again be used and the process repeated. In the example in paragraph (c)(1) of this section, the first reissue of tariff or schedule ICC ABCD 2000 would be ICC ABCD 2000-A, the next reissue ICC ABCD 2000-B, and so on. Where the MP-ICC or ME-ICC number is changed to a standard ICC designation, there may be no letter suffix, or as an alternative, any letter suffix may be used, and reissues proceeding from there alphabetically. A carrier or agent may not on any of its tariffs or schedules provide a tariff or schedule number for its own purpose that is different in any respect from that used in the ICC designation, and whole numbers (not fractional or decimal) must be employed. The purpose is to dispense with and prohibit dual systems of numbering any tariff or schedule.

(5) A standard tariff or schedule number which has been previously but is no longer assigned and used on an effective tariff or schedule may be reassigned after the last tariff or schedule to which it was assigned has been canceled for at least 5 years.

(6) When a carrier or agent adopts the standard ICC designation system and obtains a code, it must continue to use such system and file no new tariffs or schedules using the MP-ICC or ME-ICC consecutive numbering system. The ICC designation of a tariff or schedule which employs this system may not be changed.

(7) Any tariff or schedule which refers to another as a governing publication or otherwise, using the standard ICC designation in such reference must clearly spell out the name of the carrier or agent whose tariff or schedule it is, or under the Explanation of Abbreviations or other appropriate place in the tariff or schedule explain the code as to the name of the carrier or agent for which it stands. If the code is assigned to the tariff, the explanation must clearly identify the tariff, including the name of the issuing agent.

(8) Tariffs that use numerical or alphabetical codes to identify carriers in connection with routing, participating carrier lists, et cetera, must convert such codes to the standard carrier codes not later than March 1, 1981.

(9) In applying the regulations in this part in connection with tariffs or schedules issued in, or converted to, the standard ICC designation system, any reference in such regulations, either expressed or implied, to the MP-ICC or ME-ICC consecutive numbering system and to "series" shall be construed to apply as well to the standard ICC designation system.

(d) *Conversion to new system.* (1) Each carrier or agent must obtain its standard code before it adopts the standard ICC designation system. A carrier or agent may elect to convert to the standard system only as each tariff or schedule is reissued, or a new one (not a reissue) is published, or in the alternative to convert all its existing tariffs or schedules at one time. In any event, all tariffs and all schedules, except as otherwise provided in § 1306.18(c)(8) must be converted by March 1, 1979. If all existing tariffs or schedules are converted at one time, the notice of the conversion in each tariff or schedule shall be made by special supplement. Such supplement shall contain no other matter, shall not be canceled, and shall be shown as a supplement to the old tariff. The supplement may be published on not less than 1 day's notice, and shall contain a notice reading substantially as follows:

NOTICE OF CHANGE OF MP-ICC (OR ME-ICC) NUMBER

Effective (here show date which is next following the general effective date of the supplement) the MP-ICC (or ME-ICC) designation of this tariff (or schedule), as heretofore amended, is changed to (here show new tariff (or schedule) designation). All amendments to this tariff (or schedule) will hereafter use the new designation.

Any reference in any other tariff (or schedule) to this tariff (or schedule) by the previous MP-ICC (or ME-ICC) designation shall be construed as referring to this tariff by the new designation.

(2) Any reference in one tariff or schedule to another tariff or schedule by its old MP-ICC or ME-ICC number, after such referred-to publication has been reissued or converted using the standard ICC designation system, must be corrected by publication(s) filed within 60 days of the effective date of the changed designation. Such references may be corrected upon not less than 1 day's notice. If the corrections as to any particular bound tariff or schedule would require more than one page of matter, corrections may be made by "Amendment to * * *" an item or other unit provided the supplement contains only such corrective matter and is retained as a separate effective supplement (not reissued) for the life of the tariff or schedule or until all affected amended items or units are reissued. Use of blanket form of supplement (a common supplement to two or more tariffs or schedules) to bound tariffs or schedules is authorized subject to the same conditions as set forth in this paragraph.

(3) A loose-leaf tariff or schedule may only be changed to the standard ICC designation system, without complete reissue, by issuance of the supplement authorized in this paragraph plus a revised title page (effective the same date as the supplement and upon the same notice), subject to the further condition that the new title page and each new or revised page issued thereafter shall show in connection with the standard ICC designation the words "Formerly MP-ICC (or ME-ICC)" followed by the old number.

(4) Tariffs or schedules (not supplements or loose-leaf page revisions) which are completely compiled and in the hands of the printer for publication, not filed, at the time of the complete changeover by a carrier or by an agent, which bear the old-type designation, may be filed if accompanied by the supplement authorized in this paragraph and in the case of a loose-leaf tariff by revised title page, and the circumstances explained in the letter of transmittal accompanying the filing.

(Sec. 310a, 5 U.S.C. 553, 558; 49 U.S.C. 5, 6, 12, 20, 310a, 319, 904, 906, 1003, 1005, 1013; sec. 12, 24 Stat. 383 as amended, secs. 5, 6, 12, 24 Stat. 380 as amended, sec. 20, 24 Stat. 386 as amended; 49 Stat. 563, as amended; sec. 210a, 52 Stat. 1237, 1238, as amended; secs. 304, 306, 54 Stat. 933, 935; secs. 403, 405, 413, 56 Stat. 285, 287, 295; 80 Stat. 378)

[43 FR 8538, Mar. 2, 1978]

§1306.19 Codes for identification of places.

(a) *Definition.* As used in this part, the term "code for identification of places" means any numeric or alphabetic system used to represent, or identify, places, points, facilities, or locations.

(b) *Use.* Codes for identification of places may be used instead of, or in addition to, the naming of places, points, facilities, or locations; provided that an explanation of the code (showing the code together with the name of the place, point, facility, or location represented by the code) is contained in the same tariff utilizing the code, or in a separate tariff specifically named as a governing publication.

(c) *Listing.* When codes for identification of places are used in lieu of named places, and if the regulations in this part require the place names to be published in alphabetical order, the codes for identification of places shall be published in numerical order (if a numeric code) or in alphabetical order (if an alphabetic code).

[46 FR 34804, July 6, 1981]

§ 1306.50 Released rates; express service.

Released rates

(a) *Establishment.* All common carriers of passengers by motorbus who have been, or who may hereafter be, granted authority by the Commission to transport express are hereby authorized to establish and maintain, by filing and posting in the manner prescribed in the Interstate Commerce Act, rates for the transportation of property in express service by motorbus in interstate commerce, dependent upon the value declared in writing by the shipper or agreed upon in writing as the released value of the property as follows:

Released valuations

Released to value not exceeding $50 for any shipment of 100 pounds or less, or not exceeding 50 cents per pound actual weight for any shipment in excess of 100 pounds.

Released to value exceeding $50 for any shipment of 100 pounds or less, or exceeding 50 cents per pound actual weight for any shipment in excess of 100 pounds.

Rate basis

Base rate or charge.

25 cents for each $100 or fraction thereof in excess of the valuation to which the base rate or charge applies.

(b) *Changes in rates or released valuations.* Changes may be made in any base rate or charge established under the authority of this section, but the released value to which the base rate or charge applies may not be reduced, nor may the charge for excess released value by increased without specific authority of the Commission.

(c) *Authority for released rates must be shown in tariff.* Tariffs containing released rates and charges filed under authority of this order, as amended, shall show in connection with such rates and charges, the following notation:

> Rates and charges herein based on released value have been authorized by the Interstate Commerce Commission in Released Rates Order No. MC-293 of January 14, 1949, as amended March 3, 1949, and November 29, 1967, subject to complaint or suspension.

(c-1) *Notation required on receipts.* The receipt issued for any shipment accepted for transportation at released rates established and maintained under authority of this section shall have stamped, or printed in boldface type, on the face thereof a statement reading substantially as follows:

> This carrier will not pay over $50 for any shipment of 100 pounds or less, or over 50 cents per pound actual weight for any shipment in excess of 100 pounds, unless a greater value is declared and charges for such greater value paid.

(d) *Carriers affected.* This section does not constitute authority for the establishment of released rates or charges on any description of traffic or over the line of any carrier other than as herein specifically indicated.

(e) *Lawfulness of rates.* The Commission does not hereby approve the lawfulness, except under sections 20 (11) and 219 of the Interstate Commerce Act of any rates or charges which may be filed under authority of this section.

(Secs. 12, 20, 24 Stat. 383, as amended, 386, as amended, sec. 219, 49 Stat. 563, as amended; 49 U.S.C. 12, 20, 319)

[32 FR 20576, Dec. 20, 1967, as amended at 32 FR 20654, Dec. 21, 1967]

§ 1306.100 Motor common carriers of property or passengers: Establishment of rates, fares, and other provisions covering emergency transportation of property or passengers, or both.

(a) *Departure from sections (rules) authorized.* Motor common carriers may depart from the terms of §§ 1307.21 through 1307.47 of this subchapter (Tariff Circular MF No. 3), and §§ 1306.0 through 1306.6 and §§ 1306.9 through 1306.16 (Rules 1 through 6 and Rules 9 through 16 of Tariff Circular MP No. 3) to the extent necessary to permit the construction, filing, and posting of original tariffs and supplements in the manner authorized in this section.

(b) *General provisions.* (1) Subject to the limitations herein, motor common carriers may establish rates or fares, or both, and other tariff provisions covering emergency movements authorized by this Commission under section 210a(a) of the Interstate Commerce Act, without further notice prior to acceptance of property or passengers, or both, for transportation other than posting, where required, of an individual tariff (not a loose-leaf page) containing such rates or fares, or both, and other provisions (such a tariff may refer to one or more agents' tariffs for governing provisions), or containing provisions other than rates or fares and referring to one or more agents' tariffs for such rates or fares, or both, and other provisions, and having three copies of the tariff (five copies if the tariff is a passenger carrier tariff containing both passenger and property provisions), with a letter of transmittal, filed with the commission's Bureau of Operations' field office which has jurisdiction over the point at which the carrier is domiciled or such other field office as the Commission may designate in special circumstances.

(2) A supplement may be issued to a tariff filed under this section only for the purpose of changing the expiration date of the tariff to the date with which the emergency temporary authority, or an extension thereof, expires. Such a supplement shall be subject to the posting and filing requirements provided for tariffs in paragraph (b)(1) of this section.

(c) *Limitations.* (1) Publications issued hereunder may contain only matter pertaining to the emergency temporary authority.

(2)(i) All publications must be issued in the name of the carrier and may contain only matter pertaining to the emergency temporary authority. Until March 1, 1979, the ICC designation assigned to an emergency temporary authority (ETA) tariff must either be a consecutive designation (see paragraph (c)(2)(ii) of this section) or be a standard ICC designation (see paragraph (c)(2)(iii) of this section). On and after that date only a standard ICC designation may be shown on these publications.

(ii) Each consecutive ICC designation assigned to a publication shall show a "W" prefix in the following manner:

MF-ICC W (here show number)

MP-ICC W (here show number)

ME-ICC W (here show number)

The first "ETA" tariff issued under each of the above designations shall be assigned No. 1. (The abbreviation "No." need not be shown.) Subsequent "ETA" tariffs shall be numbered consecutively. Passenger carriers should show either the "MP-ICC W" or "ME-ICC W" designation, or both, whichever is appropriate as to a tariff. Until October 5, 1978, property carriers using the consecutive designation system shall show either the "MF-ICC W" or "ICC W" designation. On and after October 5, 1978, only the "ICC W" consecutive designation of a property carrier may be shown (see § 1310.28(i)) if the consecutive designation is used.

(iii) The standard ICC designation shall be constructed and assigned in the manner required by §§ 1306.18 and 1307.50 of parts 1306 and 1307. The standard tariff number in a standard ICC designation shall commence with "9" (for example, "ICC ABCD 900").

(3) If the carrier certifies on the emergency temporary authority application that within 15 days of the date of filing that application, a corresponding application will be filed seeking temporary authority for 180 days and requests in the emergency application two 30-day extensions of the emergency temporary authority, the tariff shall show on the title page a specific expiration date of 120 days after the effective date of the tariff. If the carrier does not provide the certification or request two 30-day extensions, the tariff shall show a specific expiration date of not later than 45 days from the effective date of the tariff. If a 120-day expiration date is inadvertently shown or if it is shown and the carrier does not timely file its 180-day temporary authority application as it certified it would, a supplement shall be filed changing the expiration date to the date the emergency temporary authority is indicated to expire.

(4) Each tariff referred to by an "ETA" tariff must be identified by its ICC designation. A referred to tariff containing more than one ICC designation shall be identified by each of its designations.

(5) The carrier must certify in writing to the appropriate field office that it is a participant in each tariff to which its "ETA" tariff refers.

(6) When the provisions of an "ETA" tariff do not conform to the emergency temporary authority actually granted, another "ETA" tariff may be filed hereunder to cancel the first "ETA" tariff and bring the provisions into conformity with the authority granted.

(7) Except as otherwise provided in paragraph (c)(6) of this section, this permission does not authorize the cancellation of any rate, fare, or other provision, and the permission may not be used to establish any rate, fare, or other provision that will conflict with or duplicate any other rate, fare, or other provision.

(8) This permission does not modify any outstanding formal order of the Commission, nor waive, except as herein authorized, any of the requirements of its rules relative to the construction, filing, and posting of tariff publications.

(Sec. 310a, 5 U.S.C. 533, 558; 49 U.S.C. 5, 6, 12, 20, 310a, 319, 904, 906, 1003, 1005, 1013; sec. 12, 24 Stat. 383 as amended, secs. 5, 6, 12, 24 Stat. 380 as amended, sec. 20, 24, Stat. 386 as amended; 49 Stat. 563, as amended; sec. 210a, 52 Stat. 1237, 1238, as amended; secs. 304, 306, 54 Stat. 933, 935; secs. 403, 405, 413, 56 Stat. 285, 287, 295; 80 Stat. 378)

[37 FR 15868, Aug. 5, 1972, as amended at 42 FR 64352, Dec 23, 1977; 43 FR 8553, Mar. 2, 1978; 43 FR 12328, Mar. 24, 1978]

§ 1306.101 Motor contract carriers of property or passengers: Establishment of actual or minimum rates, fares, etc., covering emergency transportation of property or passengers, or both.

(a) *Departure from sections (rules) authorized.* Motor contract carriers may depart from the terms of §§ 1307.0 through 1307.13 of this subchapter (Tariff Circular MF No. 4) and §§ 1306.0 through 1306.16 (Tariff Circular MP No. 3) to the extent necessary to permit the construction, filing, and posting of original schedules and supplements in the manner authorized in this section.

(b) *General provisions.* (1) Subject to the limitations herein, motor contract carriers may establish rates or fares, or both, and other schedule provisions covering emergency movements authorized by this Commission under section 210a(a) of the Interstate Commerce Act, without further notice prior to acceptance of property or passengers, or both, for transportation other than posting, where required, of an individual schedule (not a loose-leaf page) containing such rates or fares, or both, and other provisions (such a schedule may, for governing provisions, refer to a distance guide or to a publication reproducing the regulations promulgated by the Department of Transportation governing the acceptance and transportation of dangerous articles (hazardous materials), or both), and having three copies of the schedule (five copies if the schedule is a passenger carrier schedule which contains both passenger and property provisions, with a letter of transmittal, filed with the Commission's Bureau of Operations' field office which has jurisdiction over the point at which the carrier is domiciled or such other field office as the Commission may designate in special circumstances.

(2) A supplement may be issued to a schedule filed under this section only for the purpose of changing the expiration date of the schedule to the date with which the emergency temporary authority, or an extension thereof, expires. Such a supplement shall be subject to the posting and filing requirements provided for schedules in paragraph (b)(1) of this section.

(c) *Limitations.* (1) Publication issued hereunder may contain only matter pertaining to the emergency temporary authority.

(2) (i) All publications must be issued in the name of the carrier and may contain only matter pertaining to the emergency temporary authority. Until March 1, 1979, the ICC designation assigned to an emergency temporary authority (ETA) tariff must either be a consecutive designation (see paragraph (c)(2)(ii) of this sec-

tion) or be a standard ICC designation (see paragraph (c)(2)(iii) of this section). On and after that date only a standard ICC designation may be shown on these publications.

(ii) Each consecutive ICC designation assigned to a publication shall show a "W" prefix in the following manner:

MF-ICC W (here show number)
MP-ICC W (here show number)
ME-ICC W (here show number)

The first "ETA" schedule issued under each of the above designations shall be assigned No. 1. (The abbreviation "No." need not be shown.) Subsequent "ETA" schedules shall be numbered consecutively. Passenger carriers should show either the "MP-ICC W" or "ME-ICC W" designation, or both, whichever is appropriate as to a schedule. Property carriers shall show only the "MF-ICC W" designation.

(iii) The standard ICC designation shall be constructed and assigned in the manner required by §§ 1306.18 and 1307.15 of Parts 1306 and 1307. The standard schedule number in a standard ICC designation shall commence with "9" (for example, ICC ABCD 900).

(3) If the carrier certifies on the emergency temporary authority application that within 15 days of the date of filing that application a corresponding application will be filed seeking temporary authority for 180 days and requests in the emergency application two 30-day extensions of the emergency temporary authority, the schedule shall show on the title page a specific expiration date of 120 days after the effective date of the schedule. If the carrier does not provide the certification or request two 30-day extensions, the schedule shall show a specific expiration date of not later than 45 days from the effective date of the schedule. If a 120-day expiration date is inadvertently shown or if it is shown and the carrier does not timely file its 180-day temporary authority application as it certified it would, a supplement shall be filed changing the expiration date to the date the emergency temporary authority is indicated to expire.

(4) Each publication referred to by an "ETA" schedule must be identified by its ICC designation. A referred publication containing more than one ICC designation shall be identified by each of its designations.

(5) The carrier must certify in writing to the appropriate field office that it is a participant in each publication to which its "ETA" schedule refers.

(6) When the provisions of an "ETA" schedule do not conform to the emergency temporary authority actually granted, another "ETA" schedule may be filed hereunder to cancel the first "ETA" schedule and bring the provisions into conformity with the authority granted.

(7) Except as otherwise provided in paragraph (c)(6) of this section, this permission does not authorize the cancellation of any rate, fare, or other provisions, and the permission may not be used to establish any rate, fare, or other provision that will conflict with or duplicate any other rate, fare, or other provision.

(8) This permission does not modify any outstanding formal order of the Commission, nor waive, except as herein authorized, any of the requirements of its rules relative to the construction, filing, and posting of schedule publications.

(Sec. 310a, 5 U.S.C. 553, 558; 49 U.S.C. 5, 6, 12, 20, 310a, 319, 904, 906, 1003, 1005, 1013; sec. 12, 24 Stat. 383 as amended, secs. 5, 6, 12, 24 Stat. 380 as amended, sec. 20, 24 Stat. 386 as amended; 49 Stat. 563, as amended; sec. 210a, 52 Stat. 1237, 1238, as amended; secs. 304, 306, 54 Stat. 933, 935; secs. 403, 405, 413, 56 Stat. 285, 287, 295; 80 Stat. 378)

[37 FR 15870, Aug. 5, 1972, as amended at 42 FR 64353, Dec 23, 1977; 43 FR 8553, Mar. 2, 1978; 43 FR 12328, Mar. 24, 1978]

PART 1307—FREIGHT RATE TARIFFS, SCHEDULES, AND CLASSIFICATIONS OF MOTOR CARRIERS

Subpart A—Schedules of Motor Contract Carriers of Property

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Subpart D—Released Rates

1307.200 Released rates on certain articles.
1307.201 Released rates on household goods.
1307.202 Released ratings; household goods.

SOURCE: 32 FR 20580, Dec. 20, 1967, unless otherwise noted.

CROSS REFERENCE: For tariff circular governing joint rail-motor tariffs, see Part 1300 of this chapter.

Subpart A—Schedules of Motor Contract Carriers of Property

AUTHORITY: Secs. 204, 217, 218, 49 Stat. 546, as amended, 561, as amended, sec. 210a, 52 Stat. 1238, as amended; 49 U.S.C. 304, 317, 318, 310a, unless otherwise noted.

§ 1307.0 Schedules and supplements filed prior to August 15, 1960.

Schedules and supplements thereto filed prior to August 15, 1960, which are designated as "Minimum Rates and Charges" shall be amended to show that they are actual rates and charges, or as to any contract carrier serving but one shipper having rendered continuous service to such shipper for not less than one year who elects to continue its schedule as a schedule of "Minimum Rates and Charges" shall supplement such schedule to include therein the following statement:

> This carrier has been serving but one shipper and has rendered continuous service to such shipper for not less than one year.

§ 1307.1 Conformity required.

Every schedule filed with the Commission shall conform to the regulations set out in Subpart A.

§ 1307.2 Definitions.

Except where the context indicates otherwise:

The term "act" means the Interstate Commerce Act, as amended.

The term "Commission" means the Interstate Commerce Commission.

The term "contract carrier" means a contract carrier of property as defined in section 203(a)(15) of the act.

The term "rates" means actual rates and charges or minimum rates and charges.

The term "schedule" means a publication stating rates of a contract carrier or rules and other provisions applicable in connection with those rates, or a publication containing rates together with such rules and other provisions.

§ 1307.3 Waiver of rules; rejection of schedules.

(a) *Waiver of rules.* In response to an application which has been prepared in the manner outlined in § 1307.6 and which provides adequate justification for that action, the Commission in its discretion may authorize the waiving of any of these regulations, or the notice requirements of the act.

(b) *Rejection of schedules.* Any schedule tendered for filing which fails to give lawful notice of the change in rates, or other provisions which it proposes to establish, or which fails to meet the requirements of these regulations, or which violates any order of the Commission or of a court, is subject to rejection by the Commission. When a schedule is rejected, the Commission, acting through a designated administrative officer, will inform the carrier who tendered it for filing, in writing, of the reasons for rejection and will return the rejected schedule to that carrier.

(c) *Commission may direct reissue.* For good cause the Commission may at any time without formal hearing direct the reissue of any schedule.

§ 1307.4 Publication, filing and posting of schedules.

(a) *Contract carriers must file schedules.* Except as otherwise provided in Subpart A and except to the extent that the Commission grants relief from the requirements of the act for filing schedules every contract carrier shall publish and file in its own name schedules clearly and explicitly stating actual rates and charges (see Notes A and B) covering the services which it performs, together with rules, regulations and practices affecting those rates and charges or the value of the service thereunder, except that a carrier serving but one shipper having rendered continuous service to such shipper for not less than one year may file reasonable minimum rates and charges (see Note A) covering the services which it performs, together with rules, regulations and practices affecting those rates and charges or the value of the service thereunder, unless the Commission requires the filing of actual rates and charges.

NOTE A. Rates shall be stated in cents or in dollars per 100 pounds, per mile, per hour, per ton of 2,000 pounds, per ton of 2,240 pounds, per truckload of specified amount or per other defined unit.

NOTE B. When a contract carrier has more than one contract covering similar but not identical services or contracts covering identical services for which different rates of compensation are provided by the contracts, exceptional care must be exercised to accomplish publication of clear and explicit schedule provisions that reflect actual rates, charges, rules, or practices. In such a case, the carrier may publish a separate schedule for each contract provided the carrier submits in the same envelope with the schedule, when tendered for filing, a separate statement identifying the contract in connection with which the schedule applies. If rates, charges and other provisions applying in connection with more than one contract are published in a single schedule, the carrier filing the schedule shall submit in the same envelope with the schedule, when tendered for filing, a separate statement indicating as to each rate table, charge, item, rule or regulation, the contract or contracts in connection with which that rate table, charge, item, rule or regulation applies.

(b) *Agency or joint schedules prohibited.* A contract carrier may not participate in a tariff or schedule issued by another carrier or by an agent except that it may participate under power of attorney in an agency publication containing highway distances and in an agency publication containing the Hazardous Materials Regulations promulgated by the Department of Transportation to govern the transportation of explosives or other dangerous articles. See § 1307.5(v).

(c) *Three copies to be filed.* Three copies of every schedule must be filed with the Commission at its office in Washington, DC. All three copies shall be included in one package marked "Tariffs" and addressed to Interstate Commerce Commission, Washington, D.C. 20423, and shall be accompanied by a letter of transmittal listing the schedules. All postage or other charges must be prepaid.

(d) *Letters of Transmittal.* (1) Each letter of transmittal shall be on paper 8 x 10½ inches in size and in form substantially as follows:

―――――――――――――――

(Correct name of carrier)

―――――――――――――――

(Permit or Docket No.)

―――――――――――――――

(Complete address)

―――――――――――――――

(Date)

Transmittal No. —— to Interstate Commerce Commission, Washington, D.C. 20423: The accompanying contract carrier schedule is sent to you for filing in compliance with the requirements of the Interstate Commerce Act, issued by ――――――, and bearing MF—ICC No.: or Supplement No. —— to MF—ICC No. ―――― effective ――――.

(2) Each letter of transmittal shall bear the signature of the person issuing the schedule, except that it may bear the signature of the carrier's representative authorized to file schedules with the Commission, provided that a letter of authorization in the form set forth in this subparagraph accompanies the letter of transmittal or has been previously submitted and is effective in the Commission's files. A carrier may have in effect in the Commission's files at any time one, and only one, such letter of authorization. The Commission may decline to accept for filing any schedule not accompanied by a properly signed letter of transmittal.

Letter of Authorization To File Schedules of Contract Carriers

―――――――――――――――

(Complete name of carrier)

Permit or Docket No. MC. ――――――

―――――――――――――――

―――――――――――――――

(Complete address)

Date ――――――――――――

To the Interstate Commerce Commission, Washington, D.C. 20423:

This is to certify that ――――――――

―――――――――――――――

(Name and address of individual authorized to act)

is hereby authorized to sign letters of transmittal and transmit to the Commission thereunder for filing in compliance with the Interstate Commerce Act, as amended, schedules and supplements thereto issued in the name and MF-ICC series of the carrier named herein.

All such schedules and supplements are to be considered the official filings of the carrier named herein when tendered for filing by the individual named in the first paragraph hereof.

Name of Carrier ――――――――――
By ――――――――――――――
Verification: ――――――――――

The above statement was subscribed and sworn to before me this —— day of ――――, 19—.

(Notary Public)

(3) A separate letter of transmittal may accompany each schedule or the form may be modified to provide for filing with one letter as many schedules or supplements to schedules as can be conveniently listed. If receipt for the schedules is desired, letters of transmittal must be sent in duplicate and one copy showing the date of receipt by the Commission will be returned to the sender.

(e) *Notice of filing.* (1) Each new rate or charge and each reduced rate or charge, also each new or changed rule, regulation or practice which effects a reduction in rates or charges or which increases the value of the service shall be published in a schedule which shall be posted and filed with the Commission at its office in Washington, D.C., at least 30 days prior to the effective date of such rate, charge, rule, regulation or practice.

(2) Increased rates or charges and changes in rules, regulations or prac-

tices which effect a decrease in the value of service or increase in a rate or charge, and rates, charges, rules, regulations or practices republished without change, shall be published in a schedule which shall be posted and filed with the Commission at least one day prior to the effective date of such rates, charges, rules, regulations, or practices. See §§ 1307.5(g) and 1307.6.

(f) *Schedules must conform with contracts.* A schedule shall not be published and filed to apply on any commodity or from or to any point or for any service not covered by contract.

(g) *Posting of schedules.* At its headquarters or general offices every contract carrier shall keep available for public inspection a complete file of all its effective schedules. Upon request assistance shall be furnished to anyone seeking information from those schedules.

(5 U.S.C. 553, 559; 49 U.S.C. 10321 and 10764)

[32 FR 20580, Dec. 20, 1967, as amended at 45 FR 58867, Sept. 5, 1980; 45 FR 61634, Sept. 17, 1980]

§ 1307.5 Form and content of schedules.

(a) *Form of schedule.* A schedule shall be filed in a book, loose-leaf, or pamphlet form. It shall be plainly printed, mimeographed, planographed, stereotyped, or reproduced by other durable process on paper of good quality. Typewritten, photostat, hectograph, or proof sheets will not be accepted for filing. A schedule shall be eight inches in width and eleven inches in length. It shall contain no alteration or erasure. A margin of not less than five-eighths of an inch with no printing thereon shall be provided on the binding edge of each page. Schedules filed in loose-leaf form shall comply with all provisions set forth in Tariff Circular MF No. 3 pertaining to the filing of such schedules by motor common carriers.

(b) *Numbering of schedules.* Each schedule shall bear an ICC identification. Prior to March 1, 1977, schedules may use either one of two systems of identification, subject to certain restrictions. One is the numbering system whereby each carrier numbers each new issue consecutively. The other is the system employing both alphabetical characters (the code signifying the issuing carrier) and numbers (the carrier's own schedule number including a suffix letter, if any). See § 1307.15—ICC Numbering Systems for details. While both systems are "ICC numbers," the first is referred to in these rules as the "MF-ICC number" and the other is differentiated by referring to it as "standard ICC designation."

(c) *Number assigned to a rejected schedule.* The number assigned to a schedule which has been rejected may not be used again. The rejected schedule may not be referred to in any subsequent schedule as having been canceled, amended or withdrawn, but the schedule published in its stead shall bear the following notation:

> Issued in lieu of (here identify the rejected schedule by MF-ICC number or supplement number) rejected by the Interstate Commerce Commission.

(d) *Title page.* The first (front or top) page of a schedule shall be prepared as a title page showing in the upper right-hand corner its standard ICC designation or its MF-ICC number. Immediately under this designation or number shall be shown the ICC designation or MF-ICC number (and letter, if any) of each schedule canceled thereby.

(e) *Name of carrier.* On the upper central part of the title page shall appear the exact complete name of the issuing carrier and the number of the permit, or if no permit has been issued, the docket number assigned to the application.

(f) *Application of schedule.* Below the carrier's name and permit or docket number shall be shown, following the words "Contract Carrier Schedule of Actual Rates and Charges Applying On" or "Contract Carrier Schedule of Minimum Rates and Charges Applying On," (see note) whichever is appropriate, a short, specific description of the commodity or commodities covered by the schedule (or the word "Commodities" where the articles covered are too numerous to list); and a brief description of the territories within which or points from, to, or between which the schedule applies.

NOTE: Any contract carrier serving but one shipper, having rendered continuous service to such shipper for not less than one year, who elects to file a schedule of minimum rates and charges shall include on page 2 thereof, immediately preceding the table of contents, if any, the following: "This carrier has been serving but one shipper and has rendered continuous service to such shipper for not less than one year."

(g) *Issue and effective dates.* On the lower left-hand side of the title page shall be shown the date of issue and on the lower right-hand side the date on which the schedule is to become effective. Schedules which contain new or changed rates or other provisions effective on more dates than one shall show a general (title page) effective date not earlier than 30 days subsequent to the date on which the schedule is filed with the Commission, followed by a notation reading substantially as follows: "except as otherwise provided on page (here give reference to the page or pages on which new or changed rates or other provisions are shown as becoming effective on dates other than the general effective date of the schedules)."

(h) *Issuing officer.* At the bottom of the title page below the issued and effective dates shall be shown the name, title and mail address of the owner, partner, representative or officer of the carrier by whom the schedule is issued. The title "agent" may not be used.

(i) *Table of contents.* Immediately after title page shall be published a table of contents arranged in alphabetical order to indicate the page on which each subject is treated. If the schedule contains so small a volume of matter that its title page and interior arrangement plainly disclose its contents, the table of contents may be omitted.

(j) *Index of Commodities.* (1) Next shall be provided a complete alphabetical index of commodities indicating the number of the page on which rates or charges on each commodity will be found.

(2) If all of the commodity rates to each destination in a schedule are arranged in alphabetical order by commodities, the index of commodities may be omitted from that schedule.

(k) *Index of points.* Following the index of commodities a schedule naming rates or charges from, to, or between specific points shall publish an index showing those points, the states in which they are located and the page or pages on which each point is named. If there be not more than 12 points of origin or 12 points of destination, the names of such points may, if practicable, be shown in alphabetical order in the schedule, in which event the index of points of origin or destination, or both, as the case may be, may be omitted.

(l) *Rules.* (1) Rules and other provisions affecting rates and charges shall be published following the index of points. Each rule or regulation shall be given a separate item number. Where the subjects shown in § 1310.4(h)(4)(i) of this chapter are to be provided for in schedules, the rules covering them shall bear the titles and be assigned the item numbers listed in § 1310.4(h)(4)(i) of this chapter.

(2) A carrier may assign a title and number of its choosing for matter not listed in § 1310.4(h)(4)(i) of this chapter, provided the title and number chosen do not conflict with those listed.

(3) If a title listed in § 1310.4(h)(4)(i) of this chapter does not properly identify a rule's content, qualifying words, phrases or subtitles may be added. When qualifying words are used, the prescribed title shall be followed by a dash and the added words, for example: "Bills of Lading--Order Notify." Subtitles or references to excepted classification rules shall follow the title.

(4) When it is necessary or practicable to split a rule into two or more parts, the prescribed item number may be subdivided. The first part of the rule (which shall contain the general or master rule), if any must be assigned the prescribed item number without a numerical suffix. Each subdivision must be assigned a compound number, which shall be constructed by use of the prescribed number followed by a decimal or a hyphen, then a new series of numbers—for example, item 390.1, 390.2, 390.3 etc., or 390-1, 390-2, 390-3, etc., in numerical sequence.

Each subdivision must show the prescribed title.

(5) Exceptions to a rule may be included in the general rule or arranged in items immediately following the rule to which exception is taken. In the latter case, exception items are to use the standard item number of the general rule followed by a suffix—for example, exceptions to item 510 would use items 510.1, 510.2, etc., or 510-1, 510-2, etc.

(m) *Rate tables.* (1) Rate tables shall show rates and shall name the commodities on which the rates apply or make reference to pages or items listing those commodities. When rate tables refer to lists of commodities such lists of commodities shall be shown immediately preceding the rate tables and following the rules and other provisions required by paragraph (m)(1) of this section. Rate tables shall also show points of origin and points of destination. Insofar as practicable such points shall be shown alphabetically or, if desired, they may be arranged in alphabetical order by States, the points in each State also being arranged in alphabetical order.

(2) Rate tables should be subdivided into small sections called "Items", and each should be given a separate "Item" number.

(n) *Designation of commodity or article.* When a rate is established or modified, the designation of the commodity or articles in connection with which the new or changed provision is to apply must be aptly descriptive; also, it must be sufficiently explicit to preclude conflicting or duplicating applications and to show clearly the articles which it embraces.

(o) *Multiple minimum-quantity rates.* Different rates based on different minimum quantities may be published provided the schedule shows clearly in connection with such provisions whether the lowest charge obtainable under the different rates and minimums applicable thereto (or actual quantities, if greater) will be applied, or whether the provisions will be applied in some different, explicitly stated manner.

(p) *Mixed shipments.* Rates may be established on different articles for mixed quantity shipments. Minimum quantities should be specified together with a statement in connection with the commodity description that the rates apply on mixed quantity shipments. Such rates may also be made applicable upon straight shipments of one or more or all of the articles by a provision to that effect in connection with the commodity description. When more than one article is included in an item or commodity description, the schedule should state whether or not the rates apply on straight or mixed shipments or both.

(q) *Changes must be indicated.* Schedules must indicate any change thereby made in existing rates or rules, regulations, practices or other provisions by use of the reference marks specified for the purpose in paragraph (r) of this section.

(r) *Uniform reference marks.* All schedules shall indicate changes made in existing rates, rules, regulations, practices or other provisions by use of the following uniform symbols in connection with those changes.

● or (R) to denote reductions.
♦ or (A) to denote increases.
▲ or (C) to denote changes which result in neither reductions nor increases in charges.

(1) Changes resulting in increases which are not identified by proper symbols shall be considered unlawfully published and filed and therefore invalid and not collectable. In such cases, the lawful provisions will be those which were purportedly superseded. Invalid provisions shall be canceled by publications which shall bring forward, or properly amend, provisions which have remained in effect by reason of invalid publication.

(s) *Explanation of abbreviations and reference marks.* At the end of each schedule there shall appear an Explanation of Abbreviations, followed by an Explanation of Reference Marks. Under the Explanation of Abbreviations shall appear an explanation of all abbreviations used in the schedule, except that commonly used abbreviations of state names or parts of names of companies, places or addresses may be omitted. Under the Explanation of Reference Marks shall appear an explanation of all characters, symbols or reference marks used in the schedule, except reference marks, characters or symbols which are explained on the page or pages of the schedule on which they appear.

(t) *Distance rates.* Schedules carrying rates dependent on mileages or distances for their application shall publish those distances between points or provide a definite method for determining them.

(u) *Supplements.* A change in or addition to a schedule shall be known as an amendment, and shall be published in a supplement. Supplements shall be numbered consecutively and shall carry the same MF-ICC number as the schedule amended. Each supplement shall specify on its title page the supplement or supplements or schedule which it cancels, and shall also list by their numbers the supplements containing effective changes from matter published in the originally filed schedule. The matter contained in each supplement shall be arranged in the same general manner and order as the schedule which it amends. The following is the maximum number of effective supplements permitted to any one schedule:

16 pages or less ———— 2 supplements.
17 pages or more ——— 3 supplements.

In addition to the above, schedules of 17 or more pages may have one additional supplement of not exceeding 4 pages. Supplements announcing adoptions or suspension effected by orders of the Commission will not be counted in computing the allowable number of supplements.

(v) *Explosive and dangerous articles.* Schedules which contain rates for the transportation of hazardous materials must also contain the rules and regulations promulgated by the Department of Transportation governing the transportation thereof, or must bear specific reference to the MF-ICC number of a separate publication which contains such rules and regulations.

(w) *Item amendment.* When an amendment (such as a change, cancellation, addition or deletion) is made in a numbered item, such item shall be published in the supplement in its entirety as amended. The revised item showing the amended provision should be given the same item number with a letter suffix; for example: Item 40-A cancels Item 40; Item 40-B cancels Item 40-A; and so on. When any rate or other provision contained in an item designated by an item number is amended, resulting in the cancellation of all or a portion there of, the canceled matter shall not be reproduced in the new item effecting the cancellation except to the extent necessary to identify the item.

(Sec. 310a, 5 U.S.C. 553, 558; 49 U.S.C. 5, 6, 12, 20, 319, 904, 906, 1003, 1005, 1013; sec. 12, 24 Stat. 383 as amended, secs. 5, 6, 12, 24 Stat. 380 as amended, sec. 20, 24 Stat. 386 as amended; 49 Stat. 560, 563, as amended; sec. 210a, 52 Stat. 1237, as amended; secs. 304, 306, 54 Stat. 933, 935; secs. 403, 405, 413, 56 Stat. 285, 287, 295; 80 Stat. 378; 49 U.S.C. 10762)

[32 FR 20580, Dec. 20, 1967, as amended at 43 FR 8539, Mar. 2, 1978; 45 FR 60439, 60440, Sept. 12, 1980]

§ 1307.6 Applications for special permission.

(a) *Reductions in rates and charges and establishment of new rates and charges on less than statutory notice; waiver of requirements of these regulations.* The act authorizes the Commission in its discretion and for good cause shown to permit reductions in or the establishment of new rates or charges on less than statutory notice, and also to permit departure from the Commission's regulations. This authority will be exercised only in cases where actual emergency and real merit are shown. Commercial competition or the desire to meet the rates of a competing carrier that has given statutory notice for reduced rates or for the establishment of new rates and charges will not of itself be regarded as cause for permitting changes in rates or other provisions on less than statutory notice. Clerical or typographical errors in schedules constitute good cause for the exercise of this authority, but every application based thereon must plainly specify the error, together with a full statement of the attending circumstances and must be presented with reasonable promptness after publication of the defective schedule.

(b) *Form of application.* Applications shall be submitted in duplicate on paper 8 by 11 inches in substantially the form set forth in this paragraph and shall furnish all pertinent information. They should be numbered consecutively and must bear the signature and title of the owner or of an officer or duly authorized representative of the carrier.

Form of application:

____
(Address)

____
(Date)

To the Interstate Commerce Commission,
Washington, D.C. 20423.
Application No. ——

____
(Name of carrier)
by ________________________________
(Name of officer, specifying title)

does hereby petition the Interstate Commerce Commission that he (it) be permitted, under section 218 of the act, to put in force the following provisions to become effective —— days after the filing thereof with the Interstate Commerce Commission.

(Here show matter as directed by paragraph (d) of § 1307.6.)

Your petitioner further represents that the said (state whether rates, charges, or other provisions) above mentioned will be published in (here show matter as directed by paragraph (e) of § 1307.6).

1. (Here state matter as directed by paragraph (f) of § 1307.6.)
2. (Here state matter as directed by paragraph (g) of § 1307.6.)
3. (Here show justification as directed by paragraph (h) of § 1307.6.)

____
(Name of carrier)
By ________________________________
(Name and title)

Verification:[1]

The above statement was subscribed and sworn to before me this —— day of ————, 19——.

____
(Notary Public)

[1]Only the original need be executed.

(c) *Partial use of authority prohibited.* The authority granted by special permission, if used, must be used in its entirety and in the manner set forth in the order of special permission. If it is not desired to use all of the authority granted, and less or more extensive or different authority is desired, a new application complying with the provisions of this section in all respects and referring to the previous permission must be filed.

(d) *Proposed provisions.* The proposed provisions shall be set forth clearly and completely in the application. An accompanying exhibit may be used if identified by letter, such as "Exhibit A", and so referred to in the application. If the proposed provisions consist of rates, all points of origin and destination must be shown or definitely indicated; if permission is sought to establish a rule, the exact wording of the proposed rule must be given.

(e) *MF-ICC numbers to be shown.* The application shall show MF-ICC numbers of the schedules in which the proposed rates, rules or other provisions will be published. If publication is to be made in schedules already referred to, that shall be stated.

(f) *Rates desired to be changed.* The application shall set forth the rates or provisions which it is desired to change. Where the matter to be shown is voluminous or for other reasons difficult of presentation, it shall be included in an accompanying exhibit, properly identified and referred to in the application. Reference shall be made by MF-ICC number, supplement number and item or page number to the schedules in which rates or provisions to be superseded are published. The extent to which cancellations will be made must be definitely indicated.

(g) *Carriers, schedule or tariff numbers, notifications, advisements and objections.* Where changes in rates or practices or where new rates or practices are proposed, applications should name the carriers, and specify by ICC or MF-ICC number the schedules or tariffs maintaining corresponding rates or other provisions. Applications should also state whether those carriers have been notified of the applications, including any short-notice features. Applications to establish on less than thirty days' notice schedules to cover temporary operating authority granted under the authority of section

210a of the act should show that common carriers or their tariff publishing agents as well as contract carriers maintaining corresponding rates or other provisions have been advised of the proposals. All applications shall state what objections or other views have been expressed by the carriers so notified. The Commission must obtain information of the types mentioned before acting upon requests for tariff-circular relief or short notice; and applications will be handled with materially more speed when the carriers in filing their applications are careful to furnish the facts requested.

(h) *Special circumstances.* Applications shall state the special circumstances or unusual conditions relied upon as justifying the requested permission, together with any related facts or circumstances which may aid the Commission in determining whether the requested permission is justified. If permission to establish provisions on less than statutory notice is sought, the petitioner shall state why the proposed provisions could not have been established upon thirty days' notice.

§ 1307.7 Powers of attorney.

(a) *Forms.* (1) The forms set forth in this section shall be used by a contract carrier of property to give authority to an agent to publish distance tariffs and supplements thereto or tariffs and supplements thereto naming the hazardous materials regulations as promulgated by the Department of Transportation to govern the transportation of explosives and other dangerous articles. See § 1307.4(b).

(2) Powers of attorney shall be printed or typed on paper of good quality, 8x11 inches in size. Each power of attorney shall be given a serial number which shall run consecutively for each form of instrument.

(b) *Individual acting as agent.* This form shall be used to authorize an individual to act as agent:

POWER OF ATTORNEY

MFA 4 No. ——
cancels
MFR—No. ——

____
(Name of carrier)

____
(Post office address)
______________, 19—

Know all men by this instrument:

That [Name of granting carrier—see paragraph (d) of § 1307.7], a contract carrier of property by motor vehicle, does (do) hereby make, constitute and appoint [Name of principal agent] attorney and agent to publish and file for such carrier [Here specify affirmatively the precise authority given to the agent; that is, either distance tariffs and supplements thereto or tariffs and supplements thereto naming rules and regulations as promulgated by the Department of Transportation to govern the transportation of hazardous materials] as permitted or required of contract carriers by motor vehicle under the authority of Part II of the Interstate Commerce Act and the regulations of the Interstate Commerce Commission and Department of Transportation issued pursuant thereto and does (do) hereby ratify and confirm all that said attorney and agent may lawfully do by virtue of the authority herein granted and does (do) hereby assume full responsibility for the acts and failures to act of said attorney and agent.

And, further, that [Name of granting carrier—see paragraph (d) of § 1307.7] does (do) hereby make and appoint [Name of alternate agent] alternate attorney and agent to do and perform the same acts and exercise the same authority herein granted to [Name of principal agent] in the event and only in the event of the death or disability of [Name of principal agent].

____
(Name of carrier)
By ______________________________
(See paragraph (e), § 1307.7)
Attest (if a corporation):

____
(Secretary)
[CORPORATE SEAL]
Duplicate mailed to ____________, Agent.

____

____

(c) *Corporation or association acting as agent.* This form shall be used to authorize a corporation or association (see paragraph (g) of this section) to act as agent:

POWER OF ATTORNEY

MFA 5 No. ——
cancels
MFA—No. ——

____
(Name of carrier)

———————————————

(Post office address)

———————, 19—

Know all men by this instrument:

That [Name of granting carrier—see paragraph (d) of § 1307.7], a contract carrier of property by motor vehicle, does (do) hereby make, constitute and appoint [Name of agent] attorney and agent to publish and file for such carrier [Here specify affirmatively the precise authority given to the agent; that is, either distance tariffs and supplements thereto or tariffs and supplements thereto naming rules and regulations as promulgated by the Department of Transportation to govern the transportation of hazardous materials; as permitted or required of contract carriers by motor vehicle under the authority of Part II of the Interstate Commerce Act and the regulations of the Interstate Commerce Commission and Department of Transportation issued pursuant thereto and does (do) hereby ratify and confirm all that said attorney and agent may lawfully do by virtue of the authority herein granted and does (do) hereby assume full responsibility for the acts and failures to act of said attorney and agent.

———————————————

(Name of carrier)

By ———————————————

(See paragraph (e), § 1307.7)

Attest (if a corporation):

———————————————

(Secretary)

[CORPORATE SEAL]

Duplicate mailed to ——————, Agent.

———————————————

———————————————

(d) *Full and correct carrier name to be shown.* In the space for the name of the carrier in Forms MFA 4 and MFA 5, there must be shown, if the carrier is an individual, the individual name followed by the trade name, if any. If the carrier is a partnership, the correct names of all partners must be given, followed by the trade name, if any. If the carrier is a corporation, the correct corporate name must be used. (See paragraph (e) of this section.) In all cases, the name of the carrier must be identical with the name as it appears in the permit issued by the Commission.

(e) *Persons who may sign powers of attorney.* If the carrier is an individual, the power of attorney must be signed by the individual. If a partnership, the power of attorney must be signed individually by each partner. If the carrier is a corporation, the power of attorney must be signed by the president or a vice president, attested by the secretary of the corporation, and the corporate seal shall be affixed.

(f) *Type of publication to be specified.* The power of attorney shall specify whether the agent designated therein shall publish a distance tariff or a tariff of rules and regulations governing the transportation of explosives and other dangerous articles, or both.

(g) *Agents, who may be.* Agents may be natural persons, corporations, or unincorporated associations whose articles of association (or other form of agreement) have been approved by the Commission in a proceeding pursuant to the provisions of section 5a, Part I of the Act. An officer or employee of an incorporated tariff publishing agent may not act as agent in his individual capacity for the publication of tariffs.

(h) *Revocation of powers of attorney.* A power of attorney may be revoked upon not less than sixty days' notice to the Commission by filing a notice of revocation with the Commission, serving at the same time a copy thereof on the agent in whose favor such power of attorney was executed. Such notice shall not bear a separate serial number, but shall specify the form and number of the power of attorney to be revoked, shall name the agent and alternate agent, if any, in whose favor the power of attorney was executed, shall specify a date upon which revocation is to become effective, which must not be less than sixty days subsequent to the date of its receipt by the Commission and shall be executed in the following manner on paper of good quality, size 8 by 11 inches:

REVOCATION NOTICE

———————————————

(Name of carrier)

———————————————

(Post office address)

———————, 19—

Know all men by this instrument:

Effective ————————, 19—, power of attorney MFA ——— No. ——— issued by

————————————————————

(Name of carrier)

in favor of ————————————————

(Name of agent and of alternate, if any)

is hereby canceled and revoked.

————————————————————

(Name of carrier)

By ——————————————————

(See paragraphs (d) and (e) of § 1307.7)

Attest (if a corporation):

————————————————————

(Secretary)

[CORPORATE SEAL]

Duplicate mailed to ————————————

(Name of agent)

————————————————————

(Address)

————————————————————

(Date)

§ 1307.8 Change of name or transfer of entire operation.

(a) *Adoption notice.* (1) When the name of a contract carrier is changed or when its operating control is transferred to another contract carrier, the carrier which will thereafter operate the properties shall file with the Commission and post an adoption notice, numbered in its MF—ICC series as follows:

MF—ICC No. ———

————————————————————

(Show name and doing business as, if any, of the adopting carrier)

ADOPTION NOTICE

The above-named carrier hereby adopts, ratifies, and makes its own in every respect, as if the same had been originally filed and posted by it, all schedules, concurrences, or other instruments whatsoever, including supplements or amendments thereto, filed with the Interstate Commerce Commission by or heretofore adopted by —————— prior to the effective date shown below.

Issued —————. Effective —————.

Issued under authority of Section 1307.8 Tariff Circular MF No. 4 and in conformity with Interstate Commerce Commission Docket No. MC ———.

Issued by ————————————————

(2) Notices of adoption shall be filed with the Commission immediately and, if possible, on or before the effective date shown therein.

(b) *Adoption supplement.* In addition to the adoption notice, the new carrier shall immediately file with the Commission and post a consecutively numbered supplement to each of the effective schedules issued or adopted by its predecessor reading as follows:

Effective ———— (here insert date shown in the adoption notice) this schedule, or as amended, became the schedule of ———— (name and doing business as, if any, of the new carrier) as per its adoption notice MF—ICC No. ———

(c) *Supplement number and MF—ICC series.* All supplements to such adopted schedules filed by the adopting carrier shall be numbered consecutively and shall show in connection with the MF—ICC number that the number is in the series of the former carrier.

(d) *Adopted schedule to be republished.* As soon as practicable a schedule adopted in its entirety shall be republished in the series of the adopting carrier. The notice directing its cancelation shall identify it by reference to its MF—ICC number and to the series in which it was issued. Any schedule not so reissued prior to its second adoption shall immediately thereafter be republished in the series of the second adopting carrier.

§ 1307.9 Transfer of part of an operation.

(a) *Old carrier shall issue supplements.* When the operating control of a contract carrier's properties is transferred in part to another contract carrier, the old carrier shall issue a supplement to each of its affected schedules upon 30 days' notice carrying this cancelation notice:

Effective ———— (date) the rates, charges, rules and regulations in this schedule are withdrawn and canceled insofar as they apply ———— (here describe the operations transferred). For rates, charges, rules and regulations to apply see schedule MF—ICC No. ——— issued by (name and doing business as, if any, of the new carrier). Note—whenever necessary the term, "minimum rates" shall be substituted for the term, "rates", in this notice.

(b) *New carrier shall issue and file a schedule or schedules.* The new carrier shall issue and file at the same time, to become effective on the same date, a schedule or schedules establishing on 30 days' notice rates, rules and regulations in lieu of those withdrawn by the old carrier.

§ 1307.10 Assumption of operating control by a receiver.

NOTE: As used in §§ 1307.10 and 1307.11, the term "receiver" means a receiver, trustee, executor, administrator, assignee, or other similar part.

Adoption notices and supplements similar to those prescribed in § 1307.8 shall immediately be filed by a receiver when he assumes full possession and operating control of a carrier's lines. Adoption notices bearing MF-I.C.C. (not standard ICC designations) numbers shall be consecutively numbered in the MF-I.C.C. series of the adopted carrier. Adoption notices bearing standard ICC (not MF-I.C.C. numbers) designations shall be designated in the ICC numbering system of the adopted carrier. Adoption supplements shall be consecutively numbered. Each adoption notice and supplement shall show the name of the receiver on the title page in connection with the carrier name. When such possession and operating control are terminated, the carrier taking over the properties in their entirety shall file an adoption notice and if a change in the name of the carrier has been made, shall also file supplements as prescribed in § 1307.8.

(Sec. 310a, 5 U.S.C. 553, 558; 49 U.S.C. 5, 6, 12, 20, 319, 904, 906, 1003, 1005, 1013; sec. 12, 24 Stat. 383 as amended, secs. 5, 6, 12, 24 Stat. 380 as amended, sec. 20, 24 Stat. 386 as amended; 49 Stat. 560, 563, as amended; sec. 210a, 52 Stat. 1237, as amended; secs. 304, 306, 54 Stat. 933, 935; secs. 403, 405, 413, 56 Stat. 285, 287, 295; 80 Stat. 378)

[43 FR 8540, Mar. 2, 1978]

§ 1307.11 Adoptions; general instructions.[1]

(a) *Copies of notices of adoption to agents.* Copies of notices of adoption shall be sent to each agent to which power of attorney has been given by the old carrier. The effective date must be the date on which the change in name or operation occurs, except that if prior approval by the Commission of such change is required, the effective date shown shall not antedate that approval.

(b) *Powers of attorney.* Powers of attorney adopted by a receiver or other carrier shall, within 120 days, be replaced and superseded by new powers of attorney issued by, and numbered in the series of the receiver or other new carrier, except that a receiver may number powers of attorney in the old series (see also § 1307.12(a)). The cancellation reference to the former power of attorney must include the name of the former issuing carrier. Powers of attorney which will not be replaced by new issues shall be regularly revoked on the notice and in the manner prescribed by § 1307.7.

(c) *Adoption notices and supplements to contain no other matter.* Adoption notices and special supplements issued under the authority of §§ 1307.8 to 1307.11 shall contain no other matter.

(Sec. 310a, 5 U.S.C. 553, 558; 49 U.S.C. 5, 6, 12, 20, 319, 904, 906, 1003, 1005, 1013; sec. 12, 24 Stat. 383 as amended, secs. 5, 6, 12, 24 Stat. 380 as amended, sec. 20, 24 Stat. 386 as amended; 49 Stat. 560, 563, as amended; sec. 210a, 52 Stat. 1237, as amended; secs. 304, 306, 54 Stat. 933, 935; secs. 403, 405, 413, 56 Stat. 285, 287, 295; 80 Stat. 378)

[32 FR 20580, Dec. 20, 1967, as amended at 43 FR 8540, Mar. 2, 1978]

§ 1307.12 Temporary operation of contract carrier properties.

(a) *New carrier assuming temporary control.* When temporary authority to take over the operating control of all or a portion of the operations of a contract carrier is granted pursuant to the provisions of section 210a(b) of the act, the new carrier then assumes temporary control of the operations of the old carrier shall comply with the provisions of §§ 1307.8, 1307.9, and 1307.11 except that the new carrier is not required to reissue the adopted powers of attorney during the period of temporary control of the operations of the old carrier.

(b) *Adoption notice to be filed when temporary authority ends.* If the temporary authority to assume operating control of the old carrier is discontinued or vacated, the old carrier must file an adoption notice reassuming control of the operations and otherwise comply with all of the provisions of §§ 1307.8, 1307.9, and 1307.11. The effective date to be shown on the adoption notice and adoption supplements is the date on which the new carrier's temporary authority to operate the properties of the old carrier expires or is vacated.

---

[1] See note in § 1307.10.

(Sec. 310a, 5 U.S.C. 553, 558; 49 U.S.C. 5, 6, 12, 20, 319, 904, 906, 1003, 1005, 1013; sec. 12, 24 Stat. 383 as amended, secs. 5, 6, 12, 24 Stat. 380 as amended, sec. 20, 24 Stat. 386 as amended; 49 Stat. 560, 563, as amended; sec. 210a, 52 Stat. 1237, as amended; secs. 304, 306, 54 Stat. 933, 935; secs. 403, 405, 413, 56 Stat. 285, 287, 295; 80 Stat. 378)

[43 FR 8540, Mar. 2, 1978]

§ 1307.13 Suspension of schedules.

Upon receipt of an order suspending a schedule in part or in its entirety, the carrier who filed such schedule shall immediately file with the Commission a consecutively numbered supplement to the schedule which shall not bear an effective date but which shall quote in full the Commission's order of suspension, followed by a statement that by reasons of the Commission's order the use and application of the suspended publication or portions thereof is deferred for the period prescribed in the suspension order. Such supplement shall give specific reference by MF-ICC number or numbers to the schedule or schedules where rates, charges, rules, regulations, or practices continued in effect by the suspension order will be found. The carrier who filed the schedule which has been suspended in part or in its entirety shall also comply with such other instructions as may be furnished it with the order of suspension.

§ 1307.14 Transmission of publications to subscribers.

(a) Except as otherwise authorized in paragraphs (b) and (d) of this section, one copy of each new schedule, supplement, and loose-leaf page must be transmitted to each subscriber thereto by first-class mail (or other means requested in writing by subscriber) not later than the time the copies for official filing are transmitted to the Commission. The letter of transmittal accompanying the copies to the Commission must contain the following certification:

> I hereby certify that I have on or before this day sent one copy of each publication listed hereon to each subscriber thereto by first-class mail, or by other means of transmission agreed upon in writing by the subscriber.

____

Signature of person
transmitting publication(s)

____

Date

(b) This paragraph will not apply to publications or provisions filed under § 1307.4(e)(2) (§ 187.4(e)(2) of Tariff Circular MF No. 4). If a new schedule or supplement is filed which in its entirety is published under an authority from this Commission to publish and file without notice or on notice of less than ten days, or, if a new loose-leaf page is filed which contains a provision published under an authority from this Commission to publish and file without notice or on notice of less than ten days, paragraph (a) of this section need not be complied with as to such publication if it cannot be or compliance would cause excessive delay, but one copy of such publication must be transmitted to each subscriber thereto by first-class mail (or other means requested in writing by subscriber) within five calendar days, starting with the calendar day following that on which the copies for official filing are transmitted to the Commission, and the letter of transmittal to the Commission must contain the following certification:

> I hereby certify that I will within five calendar days after today send one copy of each publication listed hereon to each subscriber thereto by first-class mail, or by other means of transmission agreed upon in writing by the subscriber.

____

Signature of person
transmitting publication(s)

____

Date

Included in this exception are supplements issued for the purpose of announcing suspensions made by the Commission, publications (published in the name of a carrier only) announcing adoptions, and publications containing only rates or provisions covering emergency transportation authorized by this Commission under section 210a(a) of the Interstate Commerce Act.

(c) When copies of different publications are transmitted to the Commission at the same time, some copies of which have been transmitted to subscribers in compliance with paragraph (a) of this section and some copies of which will be transmitted to subscribers in compliance with paragraph (b) of this section, two letters of transmittal must accompany the copies to the Commission, one complying with paragraph (a) of this section and the other complying with paragraph (b) of this section.

(d) If there are no subscribers to any publication listed on a letter of transmittal accompanying the copies for official filing to the Commission, the letter of transmittal must contain the following certification:

I hereby certify that there are no subscribers to the publication(s) listed hereon.

____
Signature of person
transmitting publication(s)

____
Date

If copies of different publications are transmitted to the Commission at the same time, some of which are subscribed to and some of which are not, only the provisions of paragraphs (a) or (b) of this section, or both, as the case may be, need be complied with.

(e) Expedited service (when transmitted one copy of each publication) must be provided to each subscriber requesting it. The cost of this service may be passed on to the subscriber.

(f) Carriers and agents shall furnish without delay at least one copy of any of their schedule publications, effective or published but not yet effective, to any person upon reasonable request therefor at a reasonable charge not to exceed that assessed a subscriber.

(g) As used herein, the term "subscriber" means a party who voluntarily or upon reasonable request is furnished at least one copy of a particular schedule and amendments thereto (including reissues thereof) by the publishing carrier or agent. The term does not, however, pertain to requests for a copy or copies of a schedule without a request for future amendments thereto.

[40 FR 7656, Feb. 21, 1975, as amended at 40 FR 25678, June 18, 1975]

§ 1307.15 ICC numbering systems.

(a) *Compliance.* Until March 1, 1979, every schedule must bear either an MF-I.C.C. (or MF-ICC) number or a standard ICC designation as set forth in paragraphs (b) and (c), respectively, of this section. Every effective schedule on file with this Commission on that date and every schedule which is indicated to become effective after that date must bear a standard ICC designation as set forth in paragraph (c) of this section. Conversion from the consecutive MF-I.C.C. (or MF-ICC) system to the standard ICC designation system shall be accomplished in the manner set forth in paragraph (d) of this section.

(b) *MF-I.C.C. (or MF-ICC) numbers.* The MF-I.C.C. (or MF-ICC) numbers shall run consecutively beginning with the next consecutive number in the existing series or, if no schedules have been issued previously, beginning with MF-I.C.C. (or MF-ICC) No. 1.

(c) *Standard ICC designation.* (1) The standard ICC designation shall be constructed by use of the characters "ICC," by use of a unique standard carrier code consisting of a minimum of two and a maximum of four alphabetical characters, and by use of a standard schedule number assigned according to the type of schedule, and in that order. For example, the standard ICC designation on a schedule of a carrier to whom has been assigned the code ABCD, which schedule has been given the number 2000 by the carrier, would be "ICC ABCD 2000." Schedules containing charges or other provisions published to apply on emergency movements authorized by this Commission under section 210a(a) of the Interstate Commerce Act may be filed without a standard carrier code when the party to whom the authority is issued has not been issued a code. Such schedules, however, must comply fully with all other requirements of this paragraph.

(2)(i) The codes shall be assigned by the transportation industry. Only one code shall be assigned to each carrier, even if carrier is of more than one mode (see paragraph (c)(2)(ii) for exception). Each code shall be unique for the carrier to which it is assigned and may not be used by any other, regardless of mode. Each carrier must use only the code assigned thereto and may not use any other. A carrier may request that it be assigned a specific code (regardless of whether or not one has been previously assigned), which must be appropriate and not duplicate any other. To the greatest extent practicable, the first two letters of the requested code must relate to the carrier's name. "A," "An," or "The" forming part of the name of the carrier should not be considered when requesting a code. A court-appointed receiver, trustee, executor, administrator, assignee, et cetera, who assumes possession and operating control of a carrier's lines, whether in whole or in part, shall use the old carrier's code. In all other cases where the name of a carrier is lawfully changed or the operating control (including temporary operating control under section 210a(b) of the act) of a carrier's properties is lawfully transferred in whole or in part to another party under authority of an order of this Commission, and the regulations in this subpart require the filing of an adoption notice, the code of the new carrier shall be used on the adoption notice and on all original schedules filed thereafter in the name of the new carrier. (Where there is a change in the name of the carrier without a change in ownership, a new code shall be assigned unless retention of the same code is authorized by the Commission.) A code which has been previously but is no longer assigned may be reassigned after its prior assignment has been canceled for at least 5 years. All requests for codes shall be in writing.

(ii) Consideration shall be given to requests for assignment of a separate code to a carrier for use in identifying separately a division or district of the carrier. The requested code must not duplicate any other. This code shall be in addition to the base code assigned the carrier under the provisions of paragraph (c)(2)(i) of this section. The additional code shall be constructed by the use of the base code together with an appropriate letter suffix, designating the particular district or division thereof, which, including the suffix, may not exceed four alphabetical characters. Where the base code consists of four characters, the letter suffix shall be added to the first three characters of the base code.

(iii) The transportation industry shall file with the Commission in tariff form a list of the assigned alphabetical codes and the names of the carriers and agents to which they are assigned. This tariff shall be amended every three months (if the list has changed during that period) to maintain it in an updated condition. The amendments shall amend the list to the extent of showing changes, additions, and cancellations. The tariff, if in bound form, shall comply with the supplemental and volume limitations for tariffs provided in Part 1310 of this chapter. Partial amendments to the list may be shown in each supplement, and more than one partial amendment may be in effect at the same time. Only one tariff containing a list of codes may be in effect at one time.

(3) A standard schedule number assigned to a schedule shall consist of not more than four digits. The first digit of the standard number assigned to a schedule containing rates, charges, or other provisions covering emergency movements authorized by this Commission under section 210a(a) of the act shall be "9". This digit may not be assigned to any other type of schedule as a first digit. The grouping of the numbers for other types of schedules shall be established by the carrier according to the particular types of schedules involved. The number assigned to a schedule must conform to these groupings.

(4) The assigned number will remain the same from reissue to reissue of the schedule. A new schedule, not a reissue, shall not show a letter suffix fol-

lowing the schedule number, and the first reissue of it shall show the letter suffix A, the next reissue B, and so on until Z, following which the letter suffix A will again be used and the process repeated. In the example in paragraph (c)(1) of this section, the first reissue of schedule ICC ABCD 2000 would be ICC ABCD 2000-A, the next reissue ICC ABCD 2000-B, and so on. Where the MF-ICC number on a schedule is changed to a standard ICC designation, there may be no letter suffix, or as an alternative, any letter suffix may be used, and reissues proceeding from there alphabetically. A carrier may not on any of its schedules provide a schedule number for its own purpose that is different in any respect from that used in the ICC designation, and whole numbers (not fractional or decimal) must be employed. The purpose is to dispense with and prohibit dual systems of numbering any schedule.

(5) A standard schedule number which has been previously but is no longer assigned and used on an effective schedule may be reassigned after the last schedule to which it was assigned has been canceled for at least 5 years.

(6) When a carrier adopts the standard ICC designation system and obtains a code, it must continue to use such system and file no new schedules using the MF-ICC consecutive numbering system. The ICC designation of a schedule which employs this system may not be changed.

(7) Any schedule which refers to another as a governing publication or otherwise, using the standard ICC designation in such reference must clearly spell out the name of the agent whose publication it is, or under the Explanation of Abbreviations or other appropriate place in the schedule explain the code as to the name of agent for which it stands.

(8) In applying the regulations of this subpart in connection with schedules issued in, or converted to, the standard ICC designation system, any reference in such regulations, either expressed or implied, to the MF-ICC consecutive numbering system and to "series" shall be construed to apply as well to the standard ICC designation system.

(d) *Conversion to new system.* (1) Each carrier must obtain its standard code before it adopts the standard ICC designation system. A carrier may elect to convert to the standard system only as each schedule is reissued, or a new one (not a reissue) is published, or in the alternative to convert all its existing schedules at one time. In any event, all schedules must be converted by March 1, 1979. If all existing schedules are converted at one time, the notice of the conversion in each schedule shall be made by special supplement. Such supplement shall contain no other matter, shall not be canceled, shall be considered exempt from the supplemental limitations in this subpart for the life of the schedule involved, and shall be shown as a supplement to the old tariff. The supplement may be published on not less than one day's notice and shall contain a notice reading substantially as follows:

NOTICE OF CHANGE OF MF-ICC NUMBER

Effective (here show date which is next following the general effective date of the supplement) the MF-ICC designation of this schedule, as heretofore amended, is changed to (here show new schedule designation). All amendments to this schedule will hereafter use the new designation.

Any reference in any other schedule to this schedule by the previous MF-ICC designation shall be construed as referring to this tariff by the new designation.

(2) Any reference in one schedule to another publication by its old MF-ICC number, after such referred-to publication has been reissued or converted using the standard ICC designation system, must be corrected by publication(s) filed within 60 days of the effective date of the changed designation. Such references may be corrected upon not less than 1 day's notice. A supplement issued to a bound schedule for the purpose of effecting such correction, and containing no other matter, may be issued and maintained without regard to the supplemental matter limitations of this subpart. If the corrections as to any particular bound schedule would require more than one page of matter,

corrections may be made by "Amendment to * * *" an item or other unit provided the supplement contains only such corrective matter and is retained as a separate effective supplement (not reissued) for the life of the schedule or until all affected amended items or units are reissued. Use of blanket form of supplement (a common supplement to two or more schedules) to bound schedules is authorized subject to the same conditions set forth in this paragraph.

(3) A loose-leaf schedule may only be changed to the standard ICC designation system, without complete reissue, by issuance of the supplement authorized in this paragraph plus a revised title page (effective the same date as the supplement and upon the same notice), subject to the further condition that the new title page and each new or revised page issued thereafter shall show in connection with the standard ICC designation the words "Formerly MF-ICC" followed by the old number.

(4) Schedules (not supplements or loose-leaf page revisions) which are completely compiled and in the hands of the printer for publication, not filed, at the time of the complete changeover, which bear the old-type MF-ICC designation, may be filed if accompanied by the supplement authorized in this paragraph and in the case of a loose-leaf schedule by revised title page, and the circumstances explained in the letter of transmittal accompanying the filing.

(Sec. 310a, 5 U.S.C. 553, 558; 49 U.S.C. 5, 6, 12, 20, 319, 904, 906, 1003, 1005, 1013; sec. 12, 24 Stat. 383 as amended, secs. 5, 6, 12, 24 Stat. 380 as amended, sec. 20, 24 Stat. 386 as amended; 49 Stat. 560, 563, as amended; sec. 210a, 52 Stat. 1237, as amended; secs. 304, 306, 54 Stat. 993, 935; secs. 403, 405, 413, 56 Stat. 285, 287 295; 80 Stat. 378.)

[43 FR 8540, Mar. 2, 1978]

§1307.17 Codes for identification of places.

(a) *Definition.* As used in this part, the term "code for identification of places" means any numeric or alphabetic system used to represent, or identify, places, points, facilities, or locations.

(b) *Use.* Codes for identification of places may be used instead of, or in addition to, the naming of places, points, facilities, or locations; provided that an explanation of the code (showing the code together with the name of the place, point, facility, or location represented by the code) is contained in the same tariff utilizing the code, or in a separate tariff specifically named as a governing publication.

(c) *Listing.* When codes for identification of places are used in lieu of named places, and if the regulations in this part require the place names to be published in alphabetical order, the codes for identification of places shall be published in numerical order (if a numeric code) or in alphabetical order (if an alphabetic code).

[46 FR 34804, July 6, 1981]

§ 1307.18 Standard codes for commodity identification.

(a) *Definition.* As used in this part, the term "standard transportation commodity code" (STCC) means the standard transportation commodity codes assigned by the Association of American Railroads as contained in tariffs filed with the Commission.

(b) *Use.* Standard transportation commodity codes may be used instead of, or in addition to, the naming of commodities in tariffs or schedules. In the event that a tariff code description would be at variance with its accompanying named-commodity description, the presumption is that the named commodity description is accurate, and that the code description is inaccurate. This presumption may be rebutted by a showing of clear evidence of the commodity actually transported. Tariffs or schedules using the codes shall contain, or refer to a tariff publication which contains, the code assignments. Carriers do not need to be shown as participants in the code assignment tariff, and any tariff or schedule may refer to it. The standard transportation commodity codes are the only codes, standing alone, that may be used to identify commodities.

(c) *Listing.* When commodity codes are used in lieu of named commodities, and where the regulations in this part require commodity names to be published in alphabetical order, the standard transportation commodity codes shall be published in numerical order.

(5 U.S.C. 553; 49 U.S.C. 10762)

[45 FR 60441, Sept. 12, 1980]

Subpart B—Common Carrier Freight Tariffs and Classifications

AUTHORITY: Secs. 204, 217, 49 Stat. 546, as amended, 560, as amended, sec. 210a, as amended, 52 Stat. 1238, as amended; 49 U.S.C. 304, 317, 310a.

EFFECTIVE DATE NOTE: Subpart B, §§ 1307.21—1307.50, was removed at 41 FR 30591, July 26, 1976, effective Apr. 15, 1977. At 42 FR 15416, Mar. 22, 1977, the Apr. 15, 1977, effective date was stayed until further notice. Subsequently, Subpart B was removed at 42 FR 44237, Sept. 2, 1977, effective Oct. 5, 1979. On Apr. 25, 1979, another document correctly removed Subpart B in part. Therefore, effective Oct. 5, 1979, Subpart B is revoked except to the extent it governs the construction and filing of schedules in looseleaf form of contract carriers of property by motor vehicle, see 44 FR 24290, Apr. 25, 1979.

§ 1307.21 General.

Tariffs of common carriers of property by motor vehicle, also joint tariffs of common carriers of property by motor vehicle and common carriers by water, other than railroad owned or controlled water carriers, filed pursuant to section 217 of Part II of the Interstate Commerce Act, and as amended, shall be constructed, published, filed, posted, and kept open for public inspection in accordance with regulations adopted and promulgated in Subpart B.

§ 1307.22 Application of regulations.

(a) The regulations in Subpart B will also apply to tariffs containing joint rates of common carriers of property by motor vehicle and common carriers by water subject to Part III of the Interstate Commerce Act, other than railroad-owned or railroad-controlled water carriers.

(b) The regulations in Subpart B will also apply to tariffs containing through routes and joint rates over the lines of common carriers by motor vehicle or by motor vehicle jointly with common carriers by water whether or not the water carriers are railroad-owned or railroad-controlled, subject to the Interstate Commerce Act, on the one hand, and vessel-operating common carriers by water engaged in the foreign commerce of the United States, as defined in the Shipping Act, 1916, on the other hand, for the transportation of property between any place in the United States and any place in a foreign country. See § 1307.49.

(c) The regulations in Subpart B will not apply (1) to tariffs containing joint rates between motor carriers, on the one hand, and, on the other hand, common carriers by rail or by water when such water carriers are railroad-owned or railroad-controlled and operate under the provisions of section 5(16) of the Interstate Commerce Act; or (2) to tariffs containing joint motor-rail-water rates whether or not the water carrier is railroad-owned or railroad-controlled. See paragraph (b) of this section for exception as to ocean carriers.

[41 FR 9353, Mar. 4, 1976]

§ 1307.23 Conformity required.

(a) Except as otherwise provided herein, all tariffs and supplements thereto filed by common carriers of property by motor vehicle and agents on or after April 1, 1941, unless otherwise authorized by special permission of the Commission, shall conform to the regulations in Subpart B.

(b) Tariffs and supplements thereto filed prior to April 1, 1941, which do not conform to the regulations in Subpart B shall be brought into conformity therewith on or before October 1, 1941.

(c) The Commission may, for reasons deemed sufficient, direct the reissue of any tariff, power of attorney, or concurrence at any time.

§ 1307.24 Definitions.

(a) The term "Tariff" means a publication containing the rates, charges, classification ratings, rules, and regulations (or any of them) published for a common carrier, and it may be in the form of a rate tariff, classification of articles or commodities, or a tariff containing rules and regulations or incidental charges.

(b) The term "Local Rate" means a rate that applies over the lines or routes of one carrier only. "Local Tariffs" are those which contain local rates.

(c) The term "Joint Rate" means a rate that applies over the lines or routes of two or more carriers and that is made by arrangement or agreement between such carriers evidenced by concurrence or power of attorney. "Joint Tariffs" are those which contain joint rates.

(d) The term "Through Rate" means the total rate from point of origin to destination. It may be a local rate, a joint rate, or combination of separately established rates.

(e) The term "Proportional Rate" means a rate published to apply only on tariffic originating beyond the point from which such rate applies, destined beyond the point to which such rate applies, or originating and destined beyond the points from and to which such rate applies. "Proportional Tariffs" are those which contain proportional rates.

(f) The term "Commodity Rate" means a rate published to apply on a commodity or commodities which are specifically named or described in the tariff in which the rate is published or in a separate commodity list. "Commodity Tariffs" are those which contain commodity rates.

(g) The term "Classification" means a publication containing a list of articles or commodities and the class ratings to which they are assigned for the purpose of applying class rates, together with governing rules and regulations.

(h) The term "Class Rate" means a rate which applies on any one or more of various articles according to the class rating to which they are assigned in a classification or tariff of exceptions thereto or in the class rate tariff. "Class Tariffs" are those which contain class rates.

(i) The term "Regular Route Carrier" means one operating over a specified route between fixed termini, as set forth in the carrier's certificate.

(j) The term "Irregular Route Carrier" means one operating within a specified and defined territory, as set forth in the carrier's certificate, but not over specified route or routes between fixed termini.

§ 1307.25 Form and preparation of tariffs.

(a) *Form and size of tariff.* All tariffs and supplements thereto shall be in book, pamphlet, or loose-leaf form of size 8 by 11 inches, and shall be plainly printed, planographed, stereotyped, or prepared by other similar durable process on paper of good quality. All tariffs and supplements thereto which are filed and posted shall be clearly legible. Typewritten or proof sheets shall not be used for filing or posting.

(b) *Size of type.* The type used shall be of size not less than 8 point bold or full face, except as provided in § 1307.26 (b) and except that 6 point bold or full face type may be used for explanation of reference marks and for column headings. No alteration in writing or erasure shall be made in any tariff or supplement thereto.

(c) *Margin on binding edge.* A margin of not less than five-eighths of an inch, without any printing thereon, shall be allowed at the binding edge of each tariff or supplement thereto.

(d) *Tables of rates to be ruled and spaced.* When rates, rate basis numbers, numerals, or letters for other purposes are shown in tables, the tables shall be ruled from top to bottom. When not more than three figures or letters, including reference characters, are employed, the columns shall be not less than one-fourth of an inch in width with a correspondingly greater width when more than three figures or letters, including reference characters, are employed. Such tables shall not contain more than six horizontal lines without a break in the printed matter by a ruled line or at least one blank space across the page.

(e) *Loose-leaf tariffs.* Pages of loose-leaf tariffs shall be printed on thin paper of strong texture, on one side only, must be consecutively numbered in the upper left-hand corner and designated as "Original Page 1", "Original Page 2", etc. Each page must show at the top of the page the name of the carrier or agent, the page number, and the MF-ICC number of the tariff. At the bottom of the page shall be shown the date of issue, the effective date, and the name, title, and street address of the issuing carrier or agent.

§ 1307.26 Title page.

(a) *Title page shall show.* The top cover of every tariff or supplement shall consist of durable but flexible paper of sufficient weight and strength to withstand hard usage and shall be prepared as a title page containing the following information in the order named:

(1) *ICC designations or MF-ICC numbers and cancellations.* On the upper right-hand corner, the ICC identification. Prior to March 1, 1979, tariffs may use either one of two systems of identification, subject to certain restrictions. One is the numbering system whereby each carrier and agent numbers each new issue consecutively. The other is the system employing both alphabetical characters (the code signifying the issuing carrier or agent or, in some instances the kind of tariff—see § 1307.50(c)(2)(ii)) and numbers (the carrier's or agent's own tariff number including a suffix letter, if any). See § 1307.50—ICC Numbering Systems for details. While both systems are "ICC numbers," the first is referred to in these rules as the "MF-ICC number" and the other is differentiated by referring to it as "standard ICC designation." In either case the type shall be prominent bold face which shall, on printed tariffs, be not less than 12 point. Immediately under this designation or number shall be shown the ICC designation or MF-ICC number (and letter, if any) of each tariff canceled thereby, except that, when the cancellations are so numerous that it is inconvenient to show a list of the canceled publications on the title page, it may be shown immediately preceding the table of contents. In this event a reference thereto shall be shown under the ICC designation or MF-I.C.C. number on the title page.

(2) *Name of carrier or name of agent.* On the upper central portion of the title page shall be shown the name of the issuing carrier or agent. When an individual carrier or a partnership operates under a trade name, the individual name or names shall precede the trade name. The names of carriers shall each be followed by the carrier's certificate number. On agency publications, when the agent is a corporation, the name of the corporation shall be shown, but, when the agent is an individual, the name of the association (if any) for whom the agent acts may also be shown. If this is done, the name of the agent shall be preceded by the name of the association in substantially the following form:

A.B.C. TARIFF BUREAU

JOHN DOE, AGENT

Only one such agent may be thus shown.

(3) *Kind of tariff.* There shall be shown a statement indicating whether the rates are: (i) Local, (ii) joint, (iii) proportional, (iv) export, import, coastwise, or intercoastal, (v) joint motorwater, (vi) distance rates, or (vii) a combination of any such rates, and (viii) whether class or commodity or both. When a tariff contains both distance rates and other rates a concise statement of the extent of the application of each kind of rates shall be given. If the tariff is a classification or if it contains rules or other governing provisions, this fact shall be shown.

(4) *Territory.* A brief but reasonably complete statement of the territory within which or the points from and to or between which the rates or other provisions apply shall be given, and, where the application is indicated by States, the names of all States to or from which rates apply shall be shown.

(5) *Governing tariffs.* Reference to the item and page number of the tariff containing a statement of the publications governing the tariff in substantially the following form (this reference need not be shown on the title pages of supplements):

For reference to governing classification, and other governing publications see Item No. ——, Page ——, or as amended.

(6) *Effective and issued dates.* (i) The date on which the rates or other provisions will become effective shall be shown on the lower right-hand side. (For exceptions, see § 1307.34 and the following paragraph of this section.) The date on which the publication is issued should be on the lower left-hand side.

(ii) Every publication which contains rates, rules, or other provisions effective upon a date different from the general effective date of such publication shall show on its title page a notation in substantially the following form:

Effective ————, 19— (except as otherwise provided herein) or (except as provided in Item ——) or (except as provided on Page ——).

(7) *When issued by permission or order of commission on less than statutory notice.* On every tariff or supplement in which all rates, rules or regulations are made effective on less than 30 days' notice under authority of the Commission, a notation in substantially the following form shall be shown:

Issued on —— days' notice under authority of ———————— (Show the authority) of the Interstate Commerce Commission, —————, No. ———, dated —————.

(8) *Name of individual or agent issuing.* (i) The name, title, and address of the person issuing the tariff shall be shown near the bottom of the title page except that when the tariff is issued by a corporation as publishing agent, the name and title of the official of such corporation who has been appointed by the corporation to handle all tariff matters with the Commission shall be shown at the bottom of the title page.

(ii) There may be shown if desired, the name and address of a joint agent (if any) in substantially the following form:

Richard Roe, Agent,
XYZ Freight Tariff Bureau,
40 Central Avenue,
Indianapolis, Indiana.
Issued by:
John Doe, Agent,
101 Fifth Street,
Washington, D.C.

(iii) Tariffs filed in the MF-ICC. series of individual carriers shall show in the lower left-hand corner the principal address of the carrier, where such address is different from that of the individual filing the tariff for such carrier.

(9) *Expiration notice.* (i) A provision in a tariff or supplement that the same, or any part thereof, will expire with a given date, is not a guaranty that the tariff, or supplement, or such part thereof, will remain in effect until and including that date. Such provision, if used, will be held to mean that the tariff or supplement, or specified part thereof, will expire with the date named, unless the date is changed on statutory notice, or under special permission of the Commission. In such tariffs and supplements the following notation shall be used to indicate the date upon which the publication will expire:

Expires with ———— (date), unless sooner canceled, changed, or extended.

(ii) If the entire publication is to expire with the specified date, the notation shall be placed near the bottom of the title page. If only a portion of the published rates or other provisions will expire with the specified date, the notation shall be shown in connection with the particular item, rate, or other provision which will expire in such a way as to clearly indicate the matter affected thereby.

(10) In addition to the requirements of this section, the title page of publications containing rates on household goods as defined in 49 CFR 1056.1(a) when published for the account of household goods as defined in 49 CFR 1040.2(b) on not less than 45 days' notice must show the following notation:

This tariff (or supplement or loose leaf amendment) is published on not less than 45 days' notice within the meaning of 49 CFR 1100.40 (b), (f), and (h), and 49 CFR 1100.200 (c) and (d).

(Sec. 310a, 5 U.S.C. 553, 558; 49 U.S.C. 5, 6, 12, 20, 319, 904, 906, 1003, 1005, 1013; sec. 12, 24 Stat. 383 as amended, secs 5, 6, 12, 24 Stat. 380 as amended, sec. 20, 24 Stat. 386 as amended; 49 Stat. 560, 563, as amended; sec.

210a, 52 Stat. 1237, as amended; secs. 304, 306, 54 Stat. 933, 935; secs. 403, 405, 413, 56 Stat. 285, 287, 295; 80 Stat. 378)

[32 FR 20580, Dec. 20, 1967, as amended at 42 FR 42690, Aug. 24, 1977; 43 FR 8542, Mar. 2, 1978]

§ 1307.27 Contents of tariffs.

Tariffs shall contain in the order named:

(a) *Table of contents.* A table of contents containing a full and complete statement, in alphabetical order, of the exact location where information under general headings, by subjects, will be found, specifying page or item numbers. If a tariff contains so small a volume of matter that its title page or its interior arrangement plainly discloses its contents, the table of contents may be omitted.

(b) *Participating carriers.* (1) The individual names and firm names or (in the case of corporations) corporate names of participating carriers, with city and State in which their principal offices are located and certificate numbers, shall be shown alphabetically arranged together with the form and number of power of attorney or concurrence of each. If the carrier consists of an individual or individuals operating under a trade name, the trade name shall precede the name of the individual operator or names of partners (or name of the individual operator or names of partners may precede the trade name, provided the trade name is shown in alphabetical sequence and in a prominent manner with the individual name or names shown above being indented). When reference to concurrences is shown in agency issues, there shall be included information indicating the carriers to whom such concurrences are given.

(2) Initial, intermediate, and terminal participation may be indicated by any or all of the following reference marks, which must be explained on each page on which they are used: "X" to indicate carriers participating as initial lines; "Y" to indicate intermediate carriers; and "Z" to indicate terminal or delivering line. If there be not more than four participating carriers, they may be shown on the title page.

(c) *Index of commodities.* (1) A complete index, alphabetically arranged, of all articles upon which commodity rates are named therein, together with reference to each item (or page) where a particular article is shown. When nouns are not sufficiently explicit, articles shall be indexed also under the names of descriptive adjectives. All of the entries relating to different kinds or species of the same commodity shall be grouped together. For example, "Paper, building; paper, printing; paper, wrapping."

(2) When articles are grouped together in one list under a generic heading as authorized in § 1307.28(e), such generic name shall be shown in the index and opposite thereto shall be shown reference to each item (or page) where the generic term is used. Each article in the generic list must be shown separately in its proper alphabetical order in the index together with reference to each item (or page) where such article is shown by name, but when such article appears only in a generic list, reference to the items (or pages) containing rates may be omitted, provided reference is given to the generic name as it appears in the index.

(3) If all of the commodity rates to each destination in a general commodity tariff or a combined class and commodity tariff are arranged in alphabetical order by commodities, the index of commodities may be omitted from the tariff.

(d) *Index of points.* (1) Indexes of points of origin and destination. Tariffs of regular route carriers which name specific point to point rates shall provide an alphabetical index of all points from which rates apply and a separate alphabetical index of all points to which rates apply showing the States in which points are located and, when the tariff names rates for account of more than one carrier, the carrier or carriers serving such points. Where desirable the rate tariff may refer to a separate publication (not a rate tariff) for the name or names of carriers serving the points appearing in such rate tariff. When all or substantially all of the rates named in a tariff apply in both directions between the points shown therein, the points of origin and destination may be shown in one index. If there be not more than 12 points of origin or 12 points of destination, the names of such points may, if practicable, be shown in alphabetical order on the title page of the tariff, in which event the index of such points of origin or destination or both, as the case may be, may be omitted.

(2) If rates are shown in a tariff by rate bases or by named or numbered territorial groups, indexes of points or origin, and destination shall show the basis or group to which each point is assigned, except that, when reference is made to a separate publication as provided in § 1307.38 for list of points in such groups, such points may be omitted from the indexes: *Provided,* That (i) there is shown in the table of contents the item or page giving reference by MF-ICC number to the separate publication and (ii) there is shown at the beginning of the index of points (if the tariff contains any such index) MF-ICC reference to the separate publication.

(3) If rates in a tariff are so arranged that grouping of points is by geographical arrangement, the alphabetical indexes of points of origin and of destination shall show index numbers corresponding to those assigned to the points in the rate tables and, unless the rate tables themselves indicate that all points shown therein are arranged in geographical order for the carriers shown, there shall be included also a geographical list of points or reference shall be made by MF-ICC number to a separate publication filed in accordance with § 1307.38 containing such a geographical list of points with corresponding index numbers. The index numbers shall follow the names of the points in the alphabetical index of points and shall precede the names of the points in the geographical list where tariffs contain such lists of points.

(4) If rates are published in numbered items, indexes of points shall show the numbers of items in which rates from or to such points appear, except that, if points are arranged in commodity items in alphabetical order or in numerical sequence by index numbers and such commodity items are referred to in the commodity index prescribed in paragraph (c) of this section, such item numbers may be omitted from the indexes of points. When rates are not published in numbered items, indexes shall show the pages on which rates from or to such points will be found, as well as index numbers of the points, except that, when the points are arranged in rate tables in numerical sequence of index numbers, the page numbers may be omitted from the index. If points of origin or of destination are shown in the rate or rate basis tables in groups arranged by States, the groups and such groups also being in points being in alphabetical order in the alphabetical order of States, or if points of origin or destination are shown in rate tables in continuous alphabetical order throughout the tariff, no index of such points of origin or destination, as the case may be, will be required provided that, when the tariff names rates for more than one carrier, information be included showing the carrier or carriers serving the various points. When points are arranged in rate tables in alphabetical order and indexes of points of origin and destination are not included in the tariff, the table of contents shall refer to the pages on which the rate tables showing an alphabetical list of points are to be found, and, when points are grouped in rate tables by States, the table of contents shall give reference to the pages on which rates from or to points in each State will be found.

(5) Tariffs of irregular route carriers are required to define clearly the territory within which such carriers operate or to contain reference to a separate publication (not a rate tariff) on file with this Commission and bearing an MF-ICC number, similar to publications authorized in § 1307.38, clearly defining such territory.

(e) *Reference marks and abbreviations.* (1) Explanation of symbols, reference marks, and abbreviations of technical terms used in the tariff shall be shown. If the explanation of a reference mark or symbol does not appear on the page on which it is used, the particular page on which the character is used shall show where the explanation is given.

(2) The following symbols shall be used for the purposes indicated and

shall not be used for any other purpose in any tariff:

- ▼ or (R) to denote reductions.
- ♦ or (A) to denote increases.
- ▲ or (C) to denote changes in wording which result in neither increases nor reductions in charges.
- ● to denote no change in rate. (See § 1307.31(b).)
- to denote intrastate application only.
- □ to denote reissued matter. (See § 1307.31(e).)

(f) *Governing tariffs.* (1) An item containing reference by name of the carrier or publishing agent and MF-ICC number to any separately published classification, tariff of classification exceptions, tariff of rules, or similar publication affecting the provisions of the tariff shall be shown in substantially the following form:

> This tariff is governed, except as otherwise provided herein, by ——— Classification MF-ICC No. —— issued by ———, by exceptions thereto ——— MF-ICC No. —–, issued by ————, by Rules Circular, MF-ICC No. —–, and by supplements to or subsequent issues of these publications.

(2) A rate tariff may not refer to another rate tariff for classification ratings, exceptions to the classification, rules, or other governing provisions.

(3) Exceptions to classification ratings or rules which apply only in connection with the rates published in a single tariff shall be included in the tariff to which they apply and shall be shown in a separate section under the heading "Exceptions to the Governing Classification" or "Exceptions to the Governing Classification and Tariffs of Exceptions Thereto." Classification exceptions when published in a rate tariff are subject to the provisions of § 1307.37(d).

(g) *Explanatory statements.* Such explanatory statements as may be necessary to remove all doubt as to the proper application of the rates and rules contained in the tariff. When rates are published for account of any carrier under authority of a concurrence or of a limited power of attorney, there shall be included in this section of the tariff an explicit statement clearly indicating to what extent the published rates apply for account of such carrier. Only such specific statements as are required to indicate the application with respect to particular carriers should be included in this section. General rules relating to the application of the rates should be published under paragraph (h) of this section.

(h) *Rules governing the tariffs.* (1) Rules and other provisions which govern the tariff. Under this head all of the rules or provisions stating conditions which in any way affect the rates named in the tariff shall be entered, except as otherwise provided in this section or in paragraph (g) of this section. A special rule affecting a particular item or rate must be specifically referred to in such item or in connection with such rate, except that provisions affecting more than one but not all of the rates contained in the tariff or applying to only a portion of the carriers for whom the rates are published may be included in the explanatory statements authorized in paragraph (g) of this section provided that reference is made thereto in such a way as to leave no doubt as to the application of the rates.

(2) Each rule or similar provision should be given a separate number. Such rules or provisions may, if desired, be designated "items" in which event numbers shall be in the same series as those of other items and amendment shall be made as provided in § 1307.33(e).

(3) Except as provided in §§ 1307.28 (f), (k) and 1307.32, no rule or other provision shall be included which in any way or in any terms authorizes substituting for any rate named in the tariff a rate found in any other tariff, or a rate made up by means of a combination of rates, nor shall any rule be provided to the effect that traffic of any nature will be "Taken only by special agreement," or other provisions of like import.

(4) Where it is not desirable or practicable to include the governing rules and regulations in the rate tariff, such rules and regulations may be separately published in tariffs filed by a carrier or an agent, provided specific reference is made in the rate tariff to such separate publication in the manner set forth in § 1307.37(f).

(5) Tariffs which contain rates for the transportation of explosives, inflammable or corrosive materials, or other dangerous articles shall also contain the rules and regulations promulgated by the Commission governing the transportation thereof, or must bear specific reference to the MF-ICC number of the separate publication which contains such rules and regulations. (See § 1307.37 (f), (g).)

(i) *Rates.* A statement of rates applicable for transportation of the articles or class of articles on which rates are named therein, arranged as set forth in § 1307.28.

(j) *Routes.* A clear and explicit statement of routes over which the published rates apply prepared in accordance with the provisions of § 1307.29.

(k) *Operating authority.* (1) Tariffs must contain only rates, charges, and related provisions that cover services in strict conformity with each carrier's operating authority. No provision may be published in tariffs, supplements, or revised pages which results in restricting service to less than the carrier's full operating authority or which exceed such authority. Tariff publications containing such provisions are subject to rejection or suspension for investigation.

(2) Tariffs and supplements thereto filed prior to the effective date of paragraph (k)(1) of this section which do not conform to those requirements shall be brought into conformity therewith on or before September 1, 1970.

(Secs. 204, 208, 216, and 217, 49 Stat. 546, 552, 558, and 560, all as amended; 49 U.S.C. 304, 308, 316, and 317; 5 U.S.C. 553 and 559)

[32 FR 20580, Dec. 20, 1967, as amended at 35 FR 4261, Mar. 7, 1970; 35 FR 8736, June 5, 1970; 43 FR 972, Jan. 5, 1978]

§ 1307.28 Statement of rates.

(a) *Explicit statement.* (1) All rates shall be clearly and explicitly stated in cents or in dollars and cents (lawful money of the United States), per 100 pounds, per ton of 2,000 pounds, per ton of 2,240 pounds, per stated truckload, or other defined unit, except unit of time (however, charges for terminal and special services (see § 1307.35(a)) may be published in cents or dollars and cents per unit of time), together with the names or other proper designation of the places from and to which they apply. If all rates in a tariff are stated in the same unit, that fact may be indicated on the title page in connection with the application of the tariff.

(2) It must be clearly shown whether the named rates apply from, to, or between the named points and all rates must be arranged in a simple and systematic manner. Complicated plans or ambiguous terms must not be used. Insofar as possible such rates should be subdivided into small sections (by items, index numbers, or similar method) to each of which should be assigned an identifying number to facilitate reference thereto.

(3) Where rates are stated in amounts per package, definite specifications showing size, capacity, or weight of the packages on which such rates apply must be shown or reference must be made by MF-ICC number to a publication, on file with this Commission, containing such specifications.

(4) It is a principle of longstanding that classification classes or ratings and rules, together with the class rates governed thereby, generally provide the highest rates and charges which an article should bear. It follows that any tariff provision (e.g. exceptions rating, commodity rate, charge, rule, et cetera) the application of which in any case would result in a higher charge than otherwise would result from application of the classification class or rating and rules to the class rates would require special justification. Therefore, accompanying the tender to the Commission of a tariff, supplement, or looseleaf page which names such a tariff provision, there shall be a clear statement by the publishing motor common carrier or agent of the justification relied upon to warrant the higher charges. Any such publication not accompanied by a statement of justification shall be subject to rejection. This paragraph does not apply (i) in connection with minimum charges for small shipments (provided they are based on weights not over 500 pounds), (ii) with respect to publication of rates and provisions for a special service which under the

tariff the shipper has the option of using by requesting it in writing (e.g. expedited service, exclusive use of vehicle, et cetera), and (iii) where no class rates are maintained by the carrier for whose account the class or rating, commodity rate or rule is published. Nor does this rule serve to prohibit publications of class rate arbitraries under authority of paragraph (b) of this section. (See §§ 1307.28(f)(5) and 1307.32 for provisions governing the alternation of commodity rates with class rates, and see § 1307.37(d)(3), prohibiting alternation of exceptions with the classification.)

(b) *Arbitraries or differentials.* A tariff may provide rates from or to designated points by the addition or deduction of arbitraries or differentials from or to rates shown therein from or to base points, but provision for the addition or deduction of arbitraries or differentials shall be shown either in connection with the base rate or in a separate item which must specifically name the base point and clearly and definitely state the manner in which such arbitraries or differentials shall be applied.

(c) *Percentages of class rates.* When articles are made subject to percentages of class rates (for example, 110 percent of first class, 83⅓ percent of fifth class, etc.), whether in a tariff of rates, a classification, or exceptions thereto, the rates applicable under such provisions must be shown in the class tariffs just as if those percentages were additional numbered or lettered classes, or reference must be made to an appropriate table, published in the tariff containing the class rates or in a governing publication which will show in one column the class rates and in succeeding columns the actual rates representing the various specified percentages of class rates. Unless one of these methods is used, specific commodity rates must be published.

(d) *Minimum quantities.* When truckload or volume commodity rates are published, the minimum quantities on which the rates apply shall be specifically stated in the tariff naming the commodity rates, except as provided in paragraph (e) of this section. When rates on mixed truckload or quantity shipments of two or more articles are published, the tariff shall show the minima on which the rates apply, and if the various articles are not made subject to the same rate, or if different minima are provided for different articles, the tariff shall show how the minimum charge per shipment shall be determined.

(e) *Grouping of articles under generic head.* (1) A commodity item may, by use of a generic term, provide rates on a number of articles without naming such articles, provided such commodity item contains reference to an item (not a rate item) in the tariff which contains a complete list of such articles, or contains reference to the MF-ICC number of a separate tariff (not a rate tariff) containing such a list of articles. Example: "Packing-house products, as described in Item ———, or successive issues thereof," or "Packing-house products, as described under heading 'Packing-house products' in MF-ICC No. — supplements thereto or successive issues thereof." Such reference to a separate item or tariff may not be made unless a definite and complete list of the articles under the same generic term is shown in the item or tariff to which reference is thus made.

(2) A separate tariff, not containing rates, may be filed by a carrier or an agent, showing lists of the commodities and minimum quantities, on which rates published by reference to generic terms will apply, and rate tariffs may be made subject thereto as provided above. The title page of such separate publication shall contain the following: (i) In large type the words, "List of commodities upon which rates are provided in tariffs making reference hereto," and (ii) in smaller type, "This tariff may be used only in connection with tariffs making specific reference hereto by MF-ICC number." In the separate publication, the generic terms shown must be the same as those used in the tariffs making reference thereto and under each heading the different commodities shall be alphabetically arranged. Except as provided in § 1307.37(e), a separate publication issued for the purpose of publishing generic lists shall contain no information other than that author-

ized in this rule. Only one such publication may be in effect at any time in a carrier's or agent's file and it shall list only generic terms which refer to 10 or more commodities, otherwise the tariff of rates shall specify each commodity upon which the rates therein apply. A tariff of rates may not refer to another tariff of rates for lists of commodities.

(f) *Commodity rates must be specific.* (1) When commodity rates are established, the description of the commodity must be specific and the rates thereon may not be applied to analogous articles. As far as possible uniform commodity descriptions should be used in all tariffs.

(2) If a commodity rate (distance or otherwise) is published, such commodity rate, except as otherwise provided in these rules, is the applicable rate and the only rate that may be applied from and to the same points over the route or routes over which the commodity rate applies, even though a class rate (except as provided in paragraphs (f)(5) of this section, paragraph (k) of this section and in § 1307.32) may make a lower charge.

(3) Different rates based on different minimum quantities may be published, provided the lowest charge resulting from any such rate applied in connection with its published minimum (or actual quantity shipped, if greater) is made applicable by publishing such rates in the same item or in different columns on the same page and by providing in connection with such items or rate columns a rule to the effect that the lowest charge obtainable under the different rates and minima applicable thereto (or actual quantities, if greater) will be applied.

(4) Commodity rates may be established on different articles for mixed truckload or mixed quantity shipments. Minimum quantities shall be specified together with a statement in connection with the commodity description that the rates apply in mixed truckload or mixed quantity shipments. Such rates may also be made applicable upon straight shipments of one or more or all of the articles by a provision to that effect in connection with the commodity description. When more than one article is included in an item or commodity description the tariff shall specifically state whether or not the rates apply on straight or mixed shipments.

(5) When because of differences in minimum weights, package requirements, mixed quantity provisions, or other conditions the charges accruing under commodity rates result in higher charges than those accruing under the class rates published in other tariffs, provision may be made in a tariff containing commodity rates only, for the alternation of such rates with class rates published in not more than three other tariffs, provided that the commodity tariff contains specific reference to the MF-ICC number or numbers of the class tariffs and shows in connection with each MF-ICC number a complete description of the origin and destination territory shown in that tariff. The following notation must be shown in the commodity tariff under the application of rates:

> If the charges accruing under the class rates published in the following tariffs, including supplements to or successive issues thereof, from and to the same points via the same routes are lower than the charges accruing under the commodity rates published in this tariff, the lower charges resulting from such class rates will apply. (Here show MF-ICC numbers of the class tariffs and the required description of each.)

(6) If a commodity tariff contains only a few rates which result in higher charges than would accrue under the class rates the reference to the class tariffs prescribed herein should be shown immediately in connection with such commodity rates or may be shown in a separate item shown under an appropriate heading and reference to such item shown immediately in connection with the commodity rates.

(7) Great care should be exercised in describing the scope of the class tariffs in order that users of the commodity tariff may determine without examining the class tariffs, which of such class tariffs is to be used in connection with any commodity rate. It also should be understood that the alternative application of commodity rates in one tariff with class rates in another tariff should be resorted to only where there is real necessity therefor and that wherever possible the commodity

rates should be revised so that they will not exceed the class rates between the same points.

(8) The continuance of the authority to alternate rates in a commodity tariff with class rates in not more than three other tariffs as contained in the paragraphs (f)(5), (6), and (7) of this section will depend upon the progress made by carriers in revising commodity rates in order to avoid unnecessary alternations, and upon the accuracy used in describing the class rate tariffs.

(g) *Tariff must contain all rates on same commodities.* (1) A tariff naming rates on a single commodity, or a group of related commodities, shall contain all of the commodity rates (other than distance or mileage rates; however, such tariffs may contain distance or mileage rates) on the same commodity or commodities published to apply for the same carriers from and to points in the same origin and destination territory except that, when only local commodity rates are named in a tariff published by or for a carrier, that carrier may also participate in tariffs of other carriers naming rates from or to points on the line of the issuing carrier and may participate in not more than one agency issue naming rates on the same commodity or commodities between points or over routes not covered by carrier's issues.

(2) A general commodity tariff or a combined class and commodity tariff shall contain reference to any other tariffs published by the same carrier or agent in which rates on other commodities are published from any point of origin to any point of destination named therein over the same route. Such reference shall include the MF-ICC number or numbers of such other tariff or tariffs with a description of the commodities and territory or points of origin and of destination. The reference shall be shown in a separate list arranged alphabetically by commodities immediately following the table of contents. For example, "For rates on textiles from —— to ——, see MF-ICC No. —— of ————————, Agent."

(h) *Conflicting or duplicating rates prohibited.* The publication of class or commodity rates which duplicate or conflict with the rates published in the same or any other tariff over the same route is not permissible, and except as otherwise authorized in Subpart B, the publication of a statement in a tariff to the effect that the rates published therein take precedence over the rates published in some other tariff, or that the rates published in some other tariff take precedence over or alternate with the rates published therein, is hereby prohibited.

(i) *Through rate applies.* When a carrier or carriers establish a local or joint rate for application over any route from point of origin to destination such rate is the applicable rate of such carrier or carriers over the authorized route, notwithstanding that it may be higher than the aggregate of intermediate rates over such route.

(j) *Proportional rates.* (1) Tariffs containing proportional rates must clearly and definitely show the application thereof. If a proportional rate is intended for use on traffic destined to a restricted territory, such territory should be clearly defined. For example, a tariff naming a proportional rate to St. Louis, Missouri, intended for use on traffic destined to points in Kansas, shall state that the proportional rate applies only for the purpose of constructing rates on traffic destined to points in Kansas. If the application of a proportional rate is not restricted, such proportional rate will be usable in connection with any other applicable rates from or to the proportional rate point. A statement that proportional rates apply from (or to) points from (or to) which no through rates are published must not be used, as such a statement is not sufficiently definite to restrict the application of the rates and such proportional rates could not in any event be applied on traffic on which applicable through one factor rates are published. However, proportional rates may be published to apply only on traffic from or to (or from and to) points on the line or lines of a particular carrier or carriers. It is not permissible to include a provision in a tariff to the effect that proportional rates will be stated percentages of other rates.

(2) Export, import, coastwise, and intercoastal rates, when so designated,

whether class or commodity, take precedence over other rates (either class or commodity) between the same points, over the same route on export, import, coastwise, or intercoastal traffic, as the case may be, and tariffs containing such rates must so provide.

(k) *Intermediate application of rates.* (1) On and after April 1, 1942, tariffs containing rates of regular route carriers may provide for the application of class or commodity rates from or to intermediate points on the lines of such carriers by incorporating in such tariffs the rule or rules set forth below, or in paragraph (m) of this section, subject to the limitations contained herein. An intermediate point rule may not be published which will result in establishing from or to an intermediate point a joint rate from or to a more distant point unless the tariff naming the rate from or to the more distant point contains specific routing instructions or refers to a routing guide containing such routing instructions. (See § 1307.29.)

(2) The wording of the rules shall not be varied. Tariffs may, however, by appropriate provision published in connection with any of such rules, provide that it will apply only in connection with the rates or routes making reference thereto, or may provide for the nonapplication of any such rule to particular rates or routes.

(3) The rules applicable in connection with commodity rates shall read as follows:

(i) *Commodity rates applicable from intermediate points.* When any point of origin is not provided in this tariff with a commodity rate on a given article to a particular destination over a particular route, and such origin is between the considered destination and a point from which a commodity rate on the article is published herein over the same route to such destination, apply on such article the commodity rate from the next more distant point from which a commodity rate is named thereon over the considered route through the intermediate point, except as provided in notes 1, 2, 3, and 4.

Note 1: When, by reason of branch or diverging routes, there are more than one more-distant points from which commodity rates on the article to the considered destination are named herein, apply the rate from the more-distant point which, on that article to the same destination over the same route, results in the lowest charge.

Note 2: If the intermediate point is located between two points from which commodity rates on the same article are published in this tariff to the same destination over the same route, apply that one of such rates which results in the higher charge. If, due to branch or diverging routes, there are two or more next more-distant points in the same direction, only that one of such points from which the lowest charge results will be considered in applying the provisions of this note.

Note 3: If the class rate on the same article to the same destination over the same route from the intermediate point produces a lower charge than would result from applying the commodity rate under this section, such commodity rate will not apply.

Note 4: If there is any other tariff a commodity rate (not made by use of an intermediate-point rule) published for account of the same carrier or carriers on the same article from the considered intermediate point, applicable to the same destination over the same route, the provisions of this section will not be applied from such intermediate point.

(ii) *Commodity rates applicable to intermediate points.* When any point of destination is not provided in this tariff with a commodity rate on a given article from a particular origin over a particular route, and such destination is between the considered origin and a point to which a commodity rate on the article is published herein over the same route from such origin, apply on such article the commodity rate to the next more-distant point to which a commodity rate is named thereon over the considered route through the intermediate point, except as provided in notes 1, 2, 3, and 4.

Note 1: When, by reason of branch or diverging routes, there are more than one more-distant points to which commodity rates on the article from the considered origin are named herein, apply the rate to the more-distant point which, on that article from the same origin over the same route, results in the lowest charge.

Note 2: If the intermediate point is located between two points to which commodity rates on the same article are published in this tariff from the same origin over the same route, apply that one of such rates which results in the higher charge. If, due to branch or diverging routes, there are two or more next more-distant points in the same direction, only that one of such points to which the lowest charge results will be considered in applying the provisions of this note.

NOTE 3: If the class rate on the same article from the same origin over the same route to the intermediate point produces a lower charge than would result from applying the commodity rate under this section, such commodity rate will not apply.

NOTE 4: If there is in any other tariff a commodity rate (not made by use of an intermediate-point rule) published for account of the same carrier or carriers on the same article to the considered intermediate point, applicable from the same origin over the same route, the provisions of this section will not be applied to such intermediate point.

(l) [Reserved]

(m) *Class rates from and to intermediate points.* (1) Class rates should be provided between practically all points and there appears little occasion for the employment of intermediate-point rules in connection with class rates except for the purpose of establishing rates from and to new points. For this purpose only the following clause may be shown in tariffs for use in connection with class rates.

(2) The rule applicable in connection with class rates shall read as follows:

(i) *Class rates from and to intermediate points.* From or to any point not named in this tariff which is intermediate to a point from or to which class rates are published herein through such unnamed point, the class rate published herein over the same route from or to the next more-distant point will be applied.

(n) *"From" and "to" rules may apply in connection with same rate.* When the rules providing application "from" and "to" intermediate points are both shown in connection with any class or commodity rate, they establish class or commodity rates from intermediate points of origin to intermediate points of destination on such classes or commodities. Unless otherwise provided in the tariff, intermediate application rules establish rates from or to intermediate points on the routes of carriers parties to the tariff without regard to the concurrence forms and numbers under authority of which carriers are shown as participating carriers.

[32 FR 20580, Dec. 20, 1967, as amended at 41 FR 15415, Apr. 13, 1976]

§ 1307.29 Routing.

(a) *Routing to be specified.* (1) On and after April 1, 1942, all tariffs containing joint rates shall specify routing over which such rates apply, stated in such manner that such routes may be definitely ascertained. This must be accomplished, insofar as may be practicable, by providing that the rates in the tariff apply only over the routes specifically shown therein.

(2) Paragraph (a)(1) of this section has reference to the names of carriers and transfer points via which such joint rates apply, and does not mean that highway numbers must be shown.

(b) *Routing guide.* (1) Instead of showing in rate tariffs the routes over which rates apply, such routes may be published in a separate publication (or publications) filed with this Commission either by a carrier or by an agent, provided specific MF-ICC reference be made in the rate tariff to such publication. Such a separate publication may be designated as a "Routing Guide," and may be used only in accordance with the provisions of the following paragraphs of this section.

(2) When it is desired to refer to a routing guide or guides for all of the routes, the following notation shall be used:

> The rates herein apply only over the routes of the carriers parties to this tariff specified in MF-ICC No. —, supplements thereto or successive issues thereof.

(3) When it is desired to refer to a routing guide or guides for routes in connection with some but not all of the rates in a tariff, or for routes for account of some but not all of the carriers parties to the tariff, an appropriate notation shall be used. When it is desired to provide that certain rates published in a tariff will not apply over all the routes shown in a routing guide to which the rate tariff is made subject, the rate tariff shall show clearly what routes in the routing guide are not applicable, or are the only routes applicable, as the case may be, in connection with such rates.

(4) When a tariff which refers to a routing guide also shows routes, it

shall show clearly whether the routes named therein are in addition to the routes shown in the routing guide or are the only routes over which the rates making reference to such routes will apply. No one rate may be made subject to more than one routing guide for account of any initial carrier except that interterritorial rates may be made subject to one guide for each of such territories in which such a guide is published for that territory alone.

(c) *Form of routing guide.* (1) A routing guide shall contain three sections containing (i) an alphabetical list of all of the points from and to which routes are provided, with the name of the carrier serving each point, together with an index number for each of such points; (ii) a table indicating the points from which routes apply, the points to which routes apply (or between which routes apply), and the numbers assigned in the routing guide to routes provided from and to (or between) such points; and (iii) a table containing all such route numbers in numerical order with a full explanation thereof together with names of the interchange (transfer) points.

(2) The names of the points from, to, or between which routes are provided shall be shown in section 2, arranged in geographical order by carriers, unless names of points, arranged in geographical lists by carriers, are included in section 1 of the guide.

(d) *Application of routing guide.* (1) A routing guide must be concurred in by all carriers over whose lines routes are provided therein. Such guides shall not contain exceptions to the routes provided therein. All exceptions thereto, if any, shall be published in the tariffs making reference thereto.

(2) Routing guides shall show on their title pages the following notation:

> The routes provided herein may be used only in connection with rates made subject thereto by specific MF-ICC reference to this guide in the tariffs containing such rates. Its use in connection with any tariff is restricted to the carriers and to the application provided in such tariff.

(3) If desired, the following tariff provision may be incorporated under the heading "Routing Instructions" in rate tariffs:

> The rates named in this tariff will apply only over the routes and through transfer points authorized herein except that when in the case of pronounced traffic congestion (not an embargo), detours or other similar emergency, or through carriers' error, carriers forward shipments by other transfer points of the same carriers or over the lines of other carriers parties to the tariff, the rate specified in this tariff (but not higher than the rate applicable over the actual route of movement) will be applied.

NOTE: If desired, the words "or over the lines of other carriers parties to the tariff" may be omitted from the emergency routing clause.

§ 1307.30 Supplements.

(a) *Amendments and supplements.* (1) When it is desired to make changes in the rates, ratings, rules, or other provisions of a tariff, other than a loose-leaf tariff, this may, except as provided in paragraph (d) of this section, be accomplished by issuing a supplement to the tariff constructed generally in the same manner as is the tariff which it supplements.

(2) The first supplement to a tariff shall be designated on the upper right-hand corner of the title page as follows:

Supplement No. 1

to

MF-ICC No. ———

(3) Subsequent supplements shall be numbered consecutively in like manner. Each supplement shall specify on its title page, immediately under the supplement number and MF-ICC number of the tariff supplemented, the publications which the supplement cancels, and shall also specify the supplements that are in effect. The statement that the supplement cancels conflicting portions of the tariff or prior supplements shall not be used; cancellations must be specific.

(4) The matter contained in each supplement shall be arranged in the same general manner and order as in the tariff which it amends and when points in a tariff are given index numbers the same index number must be

assigned to the same point in all supplements to the tariff.

(b) *Participating carriers; how shown in supplement.* (1) A supplement shall contain either a list of carriers participating in the tariff as amended or shall state that the list of participating carriers is "as shown in tariff," or "as shown in tariff and effective supplements," to which may be added "except (here show corrections in, additions to, or eliminations from the original list that are affected by that supplement)." Changes in or additions to the list of participating carriers in the tariff or previous supplements shall be listed alphabetically as provided in § 1307.27(b).

(2) When a participating carrier is eliminated by supplement, such supplement must also provide for cancellation of rates in connection with that carrier. This cancellation of rates should be accomplished by amending the individual items or provisions affected or by the publication of a blanket cancellation notice specifically indicating that all rates in the tariff applying for account of the carrier are canceled.

(c) *Index to supplement.* (1) A supplement of 5 or more pages must be properly indexed, and a supplement of more than 23 pages must also contain a table of contents. In view of the provision of § 1307.33(e) which requires that cancellation in a supplement of a numbered item must be made under the same item number as is given to that item in the tariff, and the requirement of paragraph (a) of this section, which provides that the index number assigned to a point in a supplement must be the number assigned to that point in the tariff, the table of contents and indexes in a supplement of 5 or more pages need not contain entries which are shown in the table of contents or indexes in the tariff, provided that, in connection with the index of points of origin (or destination) the following notation shall be shown:

> The index numbers of points in this supplement correspond with the index numbers of the same points shown on pages —— to ——, inclusive of the tariff, with the following additions and exceptions.

(2) The table of contents to such a supplement may be omitted if § 1307.27(a) does not require the tariff to which the supplement is issued to contain a table of contents.

(d) *Number of supplements effective at any time.* (1) Except as otherwise authorized in Subpart B tariffs of 4 pages or less may have no supplement; not more than 1 supplement may be in effect at any time to a tariff containing 5 and not more than 16 pages; not more than 2 supplements may be in effect at any time to a tariff containing 17 and not more than 80 pages; not more than 3 supplements may be in effect at any time to a tariff containing 81 and not more than 200 pages; and not more than 4 supplements may be in effect at any time to a tariff containing more than 200 pages.

(2) Except as otherwise authorized in Subpart B tariffs containing 5 and not more than 12 pages may have not more than 4 pages of supplemental matter and tariffs containing more than 12 pages may have supplemental matter aggregating not more than 33⅓ percent of the number of pages in the tariff except that if the number of pages in the supplement which brings the volume of matter up to that authorized by this paragraph is not evenly divisible by 4, it may exceed the volume authorized to the extent necessary to bring the number of pages of such supplement to the next multiple of 4. The smallest of 3 effective supplements to a tariff of more than 80 but not more than 200 pages shall contain not more than 8 pages, and the smallest of 4 effective supplements to a tariff of more than 200 pages shall contain not more than 16 pages.

(e) *Additional supplement to establish rates, under rule or order of Commission.* (1) Except in the case of loose-leaf tariffs and tariffs containing less than 13 pages, one additional supplement may be issued to any tariff without regard to the requirements of paragraph (d) of this section for the purpose of establishing rates, classifications, rules, and other provisions in compliance with a decision or order of the Commission in a formal case. Only one such supplement may be in effect at any time and may contain no other matter.

(2) If the volume of supplemental matter is not exceeded by the issuance of such additional supplement it shall bear on its title page the following notation in addition to showing reference to the opinion, or order, as the case may be:

> This supplement is issued under authority of rule 6(e), Tariff Circular MF No. 3, and will be included in and canceled by the next regular supplement filed to this tariff.

(3) The next regular supplement filed shall bring the number of effective supplements within the requirements of paragraph (d) of this section.

(4) If the volume of supplemental matter is exceeded by the issuance of the additional supplement authorized by this section, the next regular supplement filed shall bring the volume of supplemental matter within the requirements of paragraph (d) of this section, and, further, the volume of supplemental matter shall be brought within the requirements of that paragraph by the issuance of a new supplement filed within 120 days from the effective date of the additional supplement, or a new issue of the tariff shall be filed within that period.

(5) Such additional supplement, in addition to showing reference to the opinion or order as the case may be, shall bear on its title page a notation in substantially the following form:

> This supplement is issued under authority of rule 6(e), Tariff Circular MF No. 3. It will be canceled by a new supplement or the tariff will be reissued, the new supplement or tariff to be filed on or before (here name a date which will observe the period of time provided above).

(f) *Supplement to tariff that is filed and not yet effective.* (1) In an instance where a tariff is filed on statutory notice canceling another tariff and it is desired to issue a supplement to the tariff to be canceled, effective prior to the effective date of the new tariff, a supplement may be issued which makes the same changes in or additions to both tariffs and which is indicated as a supplement to both the tariff to be canceled and the cancelling tariff (being given supplement numbers running in proper sequence to both MF-ICC numbers). In other words, such a supplement shall be numbered and treated as a supplement both to the old and new tariffs and shall be filed and posted as such. The matter contained in such a supplement shall be confined to additions or to changes in rates or provisions which were brought forward in the new tariff without change. It is not required that the provisions of paragraph (d) of this section be observed in connection with such a supplement to the old tariff, but only one such supplement may be in effect at any time.

(2) If the matter to be changed is not arranged or numbered in the same way in both tariffs, the changed provision shall be shown in the proper manner to indicate the change made in the old tariff, and also to indicate the change in the new tariff. For example, if the changed provision is indicated as item 40-B in the old tariff and as item 50 in the new tariff, the amended provision shall be shown as follows:

> Item 40-C cancels Item 40-B of MF-ICC No. ———.
>
> Item 50-A cancels Item 50 of MF-ICC No. ———.

(3) Rates or other provisions may be changed upon lawful notice by supplement effective on or after the general effective date of the tariff supplemented, provided the matter amended has been in effect for 30 days or more either in the supplemented issue or in a former issue. Where such matter was in effect in a former issue, a notation in connection with the revised matter, shall show that it has been in effect 30 days or more. Example: "Item 40-A cancels Item 40. Item 40, effective ———, brought forward without change from Item No. ——— of MF-ICC ——— (former issue)". Rates or provisions which effect changes in rates or provisions not contained in either the former tariff or a reissue thereof may be established upon lawful notice by supplement to such new tariff, effective not earlier than the general effective date of the tariff, by showing in the following manner, in connection with the new rates or provisions that the rates or provisions previously applicable have been in effect 30 days or more in a different issue. Example: "Addition. Changes

class rates which became effective ———— in MC-ICC No. ——." Unless the provisions of this paragraph are complied with no supplement to a tariff that has been filed and has not become effective may be issued to become effective within 30 days from the effective date of the tariff without special permission.

(4) This section does not waive the requirements of § 1307.44.

§ 1307.31 Amendments.

(a) *How made.* (1) Any change in or addition to a tariff shall be known as an amendment. Amendment of a bound tariff shall be made by reissue of the tariff or by issue of a supplement as provided in § 1307.30. Amendment of a loose-leaf tariff shall be made by reissue of the tariff or of a page or pages as provided in paragraph (f) of this section. (See also §§ 1307.34(g), 1307.40 and 1307.43.)

(2) When an amendment is made in a numbered item or other unit in a supplement, such item or other unit shall be published in the supplement in its entirety as amended. When rates or other provisions are published in numbered items, cancellation shall be made as prescribed in § 1307.33(e). When rates or rules are published in numbered units other than items, the supplement changing the rates or other provisions shall specifically provide for the cancellation of such matter by reference to the page of the tariff and number of the rule or other unit which it cancels. Numbered units other than items shall not be given suffix letters when amended. When such a change is made in matter previously published in a supplement in a numbered unit other than an item, the new supplement shall also give reference by number to the previous supplement.

(3) In any instance where matter is not published in a numbered unit, the changed provision shall be published in the supplement in its entirety and reference shall be made to the page or pages of the tariff on which the matter to be canceled is shown clearly indicating the matter which is canceled. If the matter to be amended has been amended by a previous supplement, specific cancellation shall be made of the corresponding matter in the "tariff as amended" and specific reference shall be made by number to the page or pages of the previous supplement containing the matter to be changed, and, when corresponding matter originally was effective in the tariff, to the page or pages of the tariff formerly containing the matter amended.

(b) *Changes indicated.* (1) All tariff publications shall indicate changes made in existing rates, charges, classifications, rules or other provisions by use of the following uniform symbols in connection with such change:

● or (R) to denote reductions.

◆ or (A) to denote increases.

▲ or (C) to denote changes in wording which result in neither increases nor reductions in charges.

(2) Explanation of such symbols shall be provided (see § 1307.27(e)) in the publication in which they are used, and these symbols shall not be used for any other purpose.

(3) When a change of the same character is made in all or in substantially all rates in a tariff or supplement, or a page thereof, that fact and the nature of such change may be indicated in distinctive type at the top of the title page of such issue, or at the top of each page, as the case may be, in the following manner: "All rates in this issue are increases"; or "All rates on this page are reductions"; or there may be added, when appropriate, "except as otherwise provided in connection with particular rates." In complying with this paragraph, a boldfaced dot "•" shall be used to symbolize a rate or other provision in which no change has been made and the proper symbol shall be used for the purpose of denoting any other change not indicated by the general statement referred to above.

(c) *Omissions from previous tariff.* When a tariff or supplement canceling a previous issue omits points of origin or destination, routes, rates, ratings, rules or other provisions contained in the previous issue, the new tariff or supplement shall indicate the cancellation in the manner prescribed in paragraph (a) of this section, and if such omission effects changes in charges or services that fact shall be indicated by the use of the uniform symbols prescribed in paragraph (b) of this section.

(d) *Notation; matter (part) established on short notice.* Every publication which consists partly but not wholly of matter established upon less than statutory notice shall show in connection with each change made effective on less than statutory notice a notation that such matter is issued on —— days' notice under authority of (here give specific reference to the special permission, decision, order, rule, or other authority).

(e) *Reissued matter.* (1) Matter brought forward without change from a tariff which has not been in effect 30 days, also matter brought forward without change from one supplement to another, must be designated "Reissued" in distinctive type and must show the original effective date and the number of the supplement or tariff from which it is reissued; or must be uniformly indicated by the letter ☐ in a square when reissued from another tariff or from a supplement to another tariff and by numerals, commencing with 1, in squares when reissued from a prior supplement to the same tariff, printed in distinctive type and shown in a conspicuous manner, and the explanation thereof must be made in the tariff or supplement in which the symbols are used. Example: "☐ Reissued from MF-ICC No. ——, (or Supplement No. ——, to MF-ICC No. ——,), effective —————————— (date upon which item became effective in former tariff or supplement to another tariff)." "☐ Reissued from Supplement No. 1, effective ——————————," and so on numerically, the figures of the symbols representing the number of the supplement to the same tariff from which the reissued item is brought forward. If items in a tariff or supplement are made effective on dates other than the general effective date shown on the title page, reissue of such items may be indicated in later publications by showing a letter suffix or other symbol in connection with, and as a part of, the letter ☐ or the numerals in squares as herein authorized. If the reissued items have become effective in a supplement to another tariff, the MF-ICC number of that tariff shall also be given.

(2) The letter ☐ in a square and numerals commencing with ☐ in a square shall not be used as reference marks or symbols for any other purpose in any tariff or supplement.

(f) *Loose-leaf tariffs.* (1) Amendment of loose-leaf tariffs shall be made by reprinting the page upon which a change or addition is made, and such changed page shall be designated as a revised page. For example, "First Revised Page 1 cancels Original Page 1", or "Second Revised Page 2 cancels First Revised Page 2", etc. When a revised title page is issued, the following notation shall be shown in connection with and immediately under the effective date:

> Original tariff effective (here shown effective date of the original tariff).

(2) If, on account of expansion of matter on any page, it becomes necessary to add an additional page in order to take care of the additional matter, such additional page (except when it follows the final page) shall be given the same number with a letter suffix; for example, "Original Page 4-A", "Original Page 4-B", etc. If it is necessary to change matter on original page 4-A, it may be done by issuing first revised page 4-A, which shall indicate the cancellation of original page 4-A.

(3) When a revised page is issued which omits rates, rules, or other provisions previously published on the page which it cancels, and such rates, rules, or provisions are published on a different page, the revised page shall make specific reference to the page on which the rates, rules, or provisions will be found, and the page to which reference is so made shall contain the following notation in connection with such rates, rules, or other provisions, etc.:

> For (here insert rates, rules, other provisions, etc., as case may be) in effect prior to the effective date hereof see page—.

Subsequently revised pages of the same number shall omit this notation insofar as this particular matter is concerned.

(4) If, after a loose-leaf tariff has been filed with the Commission, it is desired to file additional pages at the end of the tariff they shall be numbered consecutively with the last page of the tariff, and shall be designated as original pages. For example, when the tariff as filed has 150 pages, page 151 when filed shall not be designated as an "Additional" page but shall be designated as "Original Page 151." Such a page may be filed only for the purpose of adding new provisions which do not change the rates, rules, or provisions on other pages of the tariff.

(5) One of the following methods shall be used in identifying and checking revised pages filed for the purpose of amending loose-leaf tariffs:

(i) When the original tariff is filed the page next to the title page shall be designated as "check sheet" which shall show the number of pages contained in the tariff. When pages of the tariff are revised or when new pages are added the check sheet shall be correspondingly revised to include the amended and added pages. The revised check sheet listing the added or revised pages shall accompany such pages when forwarded to the Commission for filing; or

(ii) Instead of a revised check sheet issued each time revised pages are filed, such revised pages may show, in the lower left-hand corner, correction numbers running in consecutive order beginning with No. 1, all revised pages issued and filed at the same time being given the same correction number. If this method is adopted, a permanent check sheet containing in numerical order a list of correction numbers beginning with No. 1 shall be filed with the original tariff in order to permit the checking of correction numbers on this sheet and thus to maintain a permanent record by number of all corrections received.

(6) Changes shall be indicated as required by paragraph (b) of this section. Items which have been in effect 30 days or more need not be shown as reissued items on revised pages but may be republished as effective on 30 days' notice. Items which have not been in effect 30 days when brought forward on revised pages shall be shown as reissued in the manner prescribed in paragraph (e) of this section.

(7) When protective covers for loose-leaf tariffs are used, only such information should appear thereon as will remain constant and in use during the life of the tariffs.

(8) Supplements shall not be issued to loose-leaf tariffs, except for the purposes authorized by §§ 1307.34, 1307.40 and 1307.43.

§ 1307.32 Sectional tariffs.

(a) *Alternative use of rates in sectional tariffs.* (1) The alternative use of rates may be provided by publishing such rates in different sections of the same tariff. The first page of each section, which shall be known as the title page of the section, shall contain the number of the section and the application of the rates published in that section. The title page of each section containing alternating rates shall also contain the following rule:

> If the charge accruing under section —— or —— of this tariff is lower than the charge accruing under this section on the same shipment over the same route, the charge accruing under section —— or —— whichever is lower, will apply.

(2) Each succeeding page of the section shall also bear the section number. Unnecessary alternation of rates must be avoided by checking the rates in one section against those in other sections and omitting rates which would clearly result in charges higher than those in other sections. Alternating reference should not be given to another section unless that section actually contains rates which alternate.

(b) *Nonalternating section.* (1) Each commodity tariff arranged in sections for alternative use shall contain a nonalternating section and each class and commodity tariff similarly arranged for alternative use shall contain a commodity section which does not alternate with other sections of the tariff.

(2) When an exclusive commodity tariff is issued under authority of this section, section 1 of the tariff shall not have alternative application with other sections. In the portion of the

tariff containing rules, under the heading "Application of Rates," the following shall appear:

The rates in section 1 are specific commodity rates and do not alternate with rates in other sections of the tariff. See application of that section.

(3) The title page of section 1 shall contain the following notation:

When rates are published in this section on the commodity transported from point of origin to destination, rates named in this section will apply regardless of rates between the same points, over the same routes, published in other sections.

(4) The title page of each other section containing commodity rates shall contain the following notation preceding that prescribed in paragraph (a) of this section:

When rates are published in section 1, the rates named in this section on the same commodity from and to the same points, over the same route, will not apply.

(c) *Position of sections.* (1) When both class and commodity rates are published in separate sections of a tariff, under authority of this section, the class rates shall be published in a section preceding the commodity sections. Commodity rates which do not alternate with the rates in other sections shall be published in the first commodity section. Under the heading of "Application of Rates," in the rules portion of the tariff, the following notation shall appear:

The rates in section 2 are specific commodity rates and do not alternate with rates in other sections of the tariff. See application of that section.

(2) The title page of the nonalternating commodity section shall contain the following notation:

When rates are published in this section on the commodity transported from point of origin to destination, rates named in this section will apply regardless of rates between the same points, over the same routes, published in other sections.

(3) The title page of each other section containing commodity rates shall also contain the following notation preceding that prescribed in paragraph (a) of this section:

Where rates are published in section 2, the rates named in this section on the same commodity from and to the same points, over the same route, will not apply.

(d) *Restrictions, publication of alternating rates.* (1) Publication of alternative rates in different sections of a tariff is subject to the following restrictions:

(i) Only one alternation of class rates against class rates may be provided, and not more than two alternating sections of commodity rates, which may alternate with each other, will be permitted;

(ii) Rates published in another tariff may not be reproduced for alternative purposes;

(iii) One section of a tariff may not alternate with more than three other sections;

(iv) Except as otherwise authorized in § 1307.28(f), a rate in one section may not alternate with a rate in the same section; and

(v) Alternating sections may not be subdivided.

(2) A tariff which, as originally filed, does not contain alternating sections may not be changed into one with alternating sections except by reissue; nor may another section be added by supplement to a tariff already containing alternating sections.

§ 1307.33 Transfer of rates; item adjustment.

(a) *Transfer of rates from one tariff to another.* If a tariff or supplement to a tariff or a revised page is issued which cancels another tariff in part only, such tariff, supplement, or revised page shall specifically state the portion of such other tariff which is thereby canceled, and the tariff to be canceled in part shall at the same time be correspondingly amended, effective on the same date, in the regular way; that is, by reissue if tariff contains four pages or less, by reissue or supplement if tariff contains more than four pages, and by revised pages if tariff is a loose-leaf tariff. Such reissue, supplement, or revised page of the tariff canceled in part shall state where rates will thereafter be found and shall be filed at the same time and in connection with the tariff or supplement which contains the new rates. Cancellation notice on the title page of the new issue shall read substantially as follows: "Cancels MF-ICC No. ——, to the extent shown in Supplement No. —— thereto."

(b) *Cancellation when tariff reissued.* (1) If a tariff is canceled in full by another tariff, cancellation notice may be printed in the canceling tariff, as provided in § 1307.26(a)(1), or the cancellation may be accomplished by issuing a supplement to the tariff to be canceled. When a tariff is canceled by a supplement under this rule, such supplement shall refer to the MF-ICC number of the tariff in which the rates or other provisions will thereafter be found. The new issue and the cancellation supplement shall be made effective on the same date, and the new issue shall contain a cancellation notice reading substantially as follows: "Cancels MF-ICC No. ——, to the extent shown in supplement No. —— thereto."

(2) When a tariff is canceled in full by another tariff which does not contain all of the rates superseding those formerly in the canceled tariff, the canceling tariff shall show where rates not appearing therein will thereafter be found, or what rates thereafter will apply. For example: "Rates formerly published in MF-ICC No. —— and not appearing herein are published in MF-ICC No. —— of ——," or it may be stated that such rates are canceled and that "Class rates will apply," or "Combination rates will apply." (See § 1307.31(c).)

(3) When the rates which are not brought forward in the canceling issue are transferred to another tariff or tariffs, such publication or publications shall show directly in connection with the rates appearing therein for the first time where such rates were formerly published, shall state that such formerly published rates were canceled by MF-ICC No. —— effective ————. (Here show reference to the tariff which canceled the rates.)

(4) When a tariff is canceled in full and numerous rates are transferred to two or more other issues, cancellation of the superseded issue may be made by supplement thereto, in which event each of the superseding issues shall show the notation in paragraph (a) of this section and the canceling supplement shall specifically indicate the rates or provisions thereafter to be published in each of the superseding issues, and shall state that the issue supplemented thereby is canceled in full.

(5) When a joint agency tariff is to be canceled in full and the rates therein are to be transferred to an agency tariff not issued by the same joint agents, the cancellation shall be accomplished by supplement. The canceling supplement shall give reference by MF-ICC number and name of agent or agents, to the tariff in which future rates will be found, and the new tariff shall show that rates from and to the points named therein were formerly published in MF-ICC No. —— (here show the MF-ICC numbers and names of agents appearing on the joint agency tariff that is canceled by the supplement required in this paragraph).

(c) *Cancellation notice must be by supplement.* (1) If a tariff is canceled with the purpose of discontinuing the rates named therein, or when, through error or omission, a tariff failed to cancel the previous issue and such previous tariff is canceled for the purpose of perfecting the records the cancellation notice shall not be given a new MF-ICC number, but shall be issued as a supplement to the tariff (including loose-leaf tariffs) which it is desired to cancel. In the issuance of such supplement the provisions of § 1307.30(d) need not be observed.

(2) When any tariff is canceled in whole or in part by a supplement thereto, the supplement shall show where the rates will thereafter be found or what rates will thereafter apply.

(3) A tariff canceling more than one tariff in whole or in part shall include a brief description of such tariffs.

(d) *Transfer of rates from carriers' to agents' tariff and from agents' to carriers' tariff.* (1) An agent, when publishing rates in his tariffs which are to supersede the rates in his principals' tariffs, shall cancel the rates in his principals' tariffs as directed in paragraph (a) or paragraph (b) of this section, as the case may be. When cancellation of rates in the individual issue is made by supplement thereto in pursuance to this section, such supplement must be issued by the individual carrier.

(2) A carrier may not publish in its individual tariff rates which are to supersede the rates published in a tariff of a duly authorized agent unless the tariff is accompanied by a supplement issued by the agent canceling the rates in his tariff effective on the same date, and indicating where rates superseding those canceled will thereafter be found.

(3) As a concurrence does not confer authority upon either a carrier or an agent to cancel tariffs of the concurring carrier, tariffs issued under concurrence may not assume to cancel tariffs of concurring carriers. Such cancellations shall be made by the carrier or agent who issued the tariff which is to be canceled, but the tariff or supplement containing the provisions formerly published in the issue of the concurring carrier may bear a notation stating where such provisions were formerly published.

(e) *Definition of items.* (1) The rates, rules, regulations, or other provisions of a tariff may, for convenience, be divided into relatively small and distinct portions which may be given individual numbers and designated "Items." The numbers of items as published in an original tariff should run in regular sequence but need not be consecutive; for example, items may be numbered 5, 10, 15, 20, etc. Only one series of item numbers may be used.

(2) When any provision contained in an item, other than those contained in a classification, is amended, the revised item showing the amended provision shall be given the same item number with a letter suffix; for example: Item 40-A cancels Item 40; Item 40-B cancels Item 40-A; and so on.

(3) When any rate or provision contained in an item designated by an item number is amended, resulting in the cancelation of all or a portion thereof, the canceled matter shall not be reproduced in the new item effecting the cancelation except to the extent necessary to identify the item.

(4) If an item is withdrawn in its entirety, or expires by its own terms, leaving no rates or provisions in effect in that item, a statement of the cancelation or expiration shall be brought forward in subsequent supplements as a reissued item, bearing the same item number and the appropriate letter suffix.

(5) If the matter in an item or any part thereof is transferred to another tariff or another portion of the same tariff, the original item shall be revised (being given the same number with proper letter suffix) in order to show the revised provision or, when no effective provision is continued in the item, to indicate cancellation of the item, and also to show where the transferred rates or provisions will thereafter be found. For example: "Item 10-A, cancels Item 10; rates formerly appearing in Item 10, but not shown herein will be found in Item —— (or in MF-ICC No. ——)."

(6) When the provisions of an item have been eliminated by cancelation or expiration they may not be reinstated except by republication in a revised item bearing a new number or the same number with a new letter suffix, and in either case bearing a new effective date. In other words, republication of the expired or canceled matter, except when the item is in a classification as provided in the next succeeding subparagraph of this paragraph, may be under the same item number only when the new item cancels the former item and is given the next letter suffix. For example: If the canceled item is 40-A the new item shall read "Item 40-B cancels Item 40-A."

(7) The items in each supplement to a classification shall be numbered consecutively, commencing with Item 1 on each page, shall cancel the item superseded and shall show where the canceled item appeared; for example: Item 6 cancels Item 3, page 2 of Supplement 2; Item 10 cancels Item 1, page 2, of classification.

§ 1307.34 Suspended matter.

(a) *Supplement announcing suspension.* (1) Upon receipt of an order suspending any publication in part or in its entirety, the carrier or agent who filed such publication shall immediately file with the Commission, and post in accordance with § 1307.44, a consecutively numbered supplement, which shall not bear an effective date, containing a notice of suspension specifically indicating the portion of the publication that is under suspension and the date to which such matter is suspended, also stating that rates and provisions under suspension may not be used during the period of suspension and giving specific reference by MF-ICC number or numbers to the tariff or tariffs or supplements thereto or revised pages thereof in which rates, charges, classifications, rules, or provisions respecting practices continued in effect will be found. Such supplement shall quote the portions of the order which describe the suspended matter contained in the publication, the paragraph of the order naming the date to which such matter is suspended, and the paragraph prohibiting changes in the matter continued in effect during the period of suspension.

(2) Upon receipt of an order resuspending any publication in part or its entirety beyond the date to which originally suspended, the carrier or agent who filed such publication shall immediately issue and file with the Commission a supplement to each suspended tariff, which shall not bear an effective date, quoting in full the resuspension order and showing on the title page thereof a statement to the effect that the provisions suspended by the original suspension order in Investigation and Suspension Docket No. M—— as indicated by Supplement No. (here show the number of the supplement announcing the original suspension under the same I. & S. Docket number) are further suspended until (here show the date to which the suspended matter is further suspended, as indicated in the resuspension order).

(b) *Reissue of suspended matter to be canceled.* If, prior to the filing of the supplement announcing suspension, a carrier or agent files a later supplement which contains as reissues the matter suspended in the previous supplement, the suspension supplement required by this section shall also specifically cancel from the later supplement such reissued matter, and by amendment to the title page of said later supplement shall eliminate the cancellation of the suspended supplement when the latter is suspended in full, and when a supplement is suspended in part shall provide that such later supplement cancels such previous supplement, except portions under suspension. Tardiness in filing supplements announcing suspension may result in the rejection by the Commission of the later supplement which cancels the suspended matter.

(c) *Reissue of effective tariff when suspended tariff is ordered canceled.* (1) When the Commission suspends an entire tariff, any tariffs which would have been canceled by the suspended tariff are continued in effect and will remain in force during the period of suspension or until lawfully canceled or reissued. Except in the case of loose-leaf tariffs or tariffs of less than five pages, supplements to tariffs thus continued in effect containing additions to and changes in matter not sought to be changed by the suspended tariff may be filed without regard to the volume of supplemental matter which the effective supplements in the aggregate contain. If the volume of supplemental matter permitted by § 1307.30(d) is exceeded under authority of this paragraph and the Commission orders the cancellation of the suspended tariff, the volume of supplemental matter in the tariff continued in effect by such suspension shall be brought within the requirements of § 1307.30(d) by supplement filed within 120 days, or such tariff shall be reissued within that time.

(2) Suspension of portions of a tariff or of matter contained in a supplement does not authorize disregard of § 1307.30(d) relative to the permissible volume of supplemental matter in and the number of effective supplements to such tariff, except that a supplement containing suspended matter will not be counted against the number of effective supplements or the volume of supplemental matter permitted to such tariff under § 1307.30(d) provided the effective matter in such supplement is reissued and the supplement itself, except the suspended portions thereof is canceled.

(3) When a tariff (or supplement) which is suspended in part is reissued,

such reissue shall cancel the tariff (or supplement) containing the suspended matter "except portions under suspension in I. and S. Docket No. M ———." If a supplement is suspended in whole or in part and the tariff is thereafter reissued, the reissue shall cancel the tariff "except portions under suspension in Supplement No. ——— (or in Item No. ——— of Supplement No. ———) in I. and S. Docket No. M ——" and, if the matter continued in effect by the suspension is contained in the tariff being reissued, such matter shall be brought forward. When a tariff which is suspended in part is reissued, such reissue shall cancel the tariff containing the matter which is continued in effect by reason of the suspension when such tariff contains no other effective matter.

(d) *No change may be made in suspended provisions nor in provisions left in effect by reason of suspension.* A suspended rate, charge, classification, rule, or provision respecting practices may not be changed or withdrawn or the effective date thereof further deferred except by order or special permission of the Commission, nor may any change be made in a rate, charge, classification, rule or provision respecting practices which is continued in effect as a result of such suspension except under order or special permission of the Commission.

(e) *When Commission's order of suspension vacated.* (1) When the Commission vacates an order of suspension effective on a date earlier than the date to which the matter is suspended, the carrier or agent who filed the suspended tariff, supplement, or revised page may file with the Commission, and post in accordance with § 1307.44, on not less than 1 day's notice, unless otherwise provided by the order, a supplement stating the date upon which, under authority of the vacating order, the tariff, supplement, revised page, item, rate, charge, classification, rule, or provision respecting practices will become effective. Unless the supplement announcing vacation is filed naming a date earlier than the date to which it is suspended, the suspended matter will become effective on that date.

(2) When an order which suspended a tariff in its entirety is vacated, the vacating supplement, if made effective on or before the date to which the tariff is suspended, may also include as reissues, any changes or additions lawfully established in supplements to the tariff which remained in effect during the period of suspension. If a new tariff is filed during the period of suspension, canceling the tariff sought to be canceled by the suspended tariff, any changes or additions published in the new tariff which are not included in the suspended tariff may be included in the vacating supplement as reissued matter, provided the vacating supplement also cancels such new tariff. When reissued matter is published in a vacating supplement the vacating notice shall be printed in not less than 10-point type, either on the title page or immediately following indexes of points and commodities, if any.

(3) When a tariff containing suspended matter is canceled during the period of suspension, except portions under suspension, by a new tariff, and the Commission vacates its suspension order in its entirety effective on a date subsequent to the effective date of the new tariff, a supplement to the new tariff effective on not less than 1 day's notice, republishing and establishing the suspended matter and canceling the matter which was effective during the period of suspension, also canceling the matter under suspension in the former issue, shall be filed and posted in accordance with § 1307.44. When the Commission vacates its suspension order effective on a date prior to the effective date of the new tariff, a vacating supplement to the old tariff should be filed and posted and a supplement to the new tariff should also be filed and posted on not less than 1 day's notice, establishing therein on the effective date of such new tariff, matter which was under suspension in the old tariff. A common supplement to both tariffs as authorized by § 1307.30(f) may be filed and posted upon not less than 1 day's notice to accomplish this purpose.

(f) *Cancellation of suspended matter.* When the Commission orders the cancellation of a tariff, supplement, revised page, item, rate, charge, classification, rule, or provision respecting practices previously suspended by it, the cancellation shall be effected by filing with the Commission and posting upon not less than 1 day's notice, unless otherwise provided by the order, a supplement stating the date upon which in accordance with the Commission's order said rate, charge, classification, rule, or provision respecting practices is canceled; except that, when desired, such cancellation may be accomplished in a new tariff canceling the tariff containing the suspended matter.

(g) *Notation on supplement.* (1) Every suspension, vacating and cancelation supplement issued under authority of this rule shall bear on its title page the following notation: "Issued under authority of Rule 10, Tariff Circular MF No. 3, and in compliance with order of the Interstate Commerce Commission, in Investigation and Suspension Docket No. M————, of ————" (Date).

(2) Such supplements will not be counted against the number of effective supplements or the volume of supplemental matter permitted under § 1307.30(d) but they must list effective supplements as required by § 1307.30(a).

(3) The provisions of this section relating to suspension, vacating and cancellation supplements will also govern in connection with tariffs issued in loose-leaf form, except that such supplements shall not contain rates, charges, classifications, rules, or provisions respecting practices. All changes made in loose-leaf tariffs shall be published on revised pages.

(4) Supplements issued under authority of this section shall contain nothing except matter permitted thereunder.

§ 1307.35 Terminal and special services.

(a) *Terminal and special services.* Each carrier or its agent shall publish, post, and file tariffs which shall contain in clear and explicit terms all of the rates and charges for and rules governing detention of vehicles, storage, weighing, diversion, reconsignment, icing, refrigeration, heat, C.O.D. services, transit services, absorptions, allowances, and other terminal services, and all other charges and rules which in any way increase or decrease the amount to be paid on any shipment, or which increase or decrease the value of the service to the shipper. Tariffs authorizing such services, or providing charges therefor, shall clearly show their application.

(b) *Method of publication.* The performance of special services and the charges therefor in addition to those based on line-haul rates lawfully on file with the Commission shall be provided for in one of the following three ways:

(1) By including in the tariff which contains the rates on which charges are based the specific authority for the extra service, the rules under which such extra service is to be performed, and the charge, if any, for the service; (2) by specific reference, in the tariff which contains the rates on which charges are based to the MF-ICC number of a separate publication containing the provision for such service and the charge, if any, for it; or (3) by including in the tariff which contains the rates on which charges are based, a clause providing that shipments made under the rates contained therein are entitled to the following services (naming specifically the services which will be permitted in connection with such rates) and that shipments are subject to the charges for such services, if any, of participating carriers performing the services "as shown in tariffs lawfully on file with the Interstate Commerce Commission."

(c) *Intermediate drayage or transfer.* (1) Joint through rates from points on the line of one carrier to points on the line of another carrier include drayage or other transfer services at intermediate transfer points, and no part of such charges may be added to the joint rates on shipments handled through and not stopped for special services at such intermediate transfer points.

(2) All tariffs containing joint rates shall contain the following provision:

> The joint rates published herein include all charges for drayage or other transfer

services at intermediate transfer points on shipments handled through and not stopped for special services at such intermediate transfer points.

(d) *Pick-up and delivery service*—(1) *General.* (i) All tariffs containing rates for the transportation of property shall specify whether such rates do or do not include pick-up and delivery service at all points within the limits of the cities, towns, or villages from, to or between which the rates apply.

(ii) If pick-up and delivery service will be performed also in an area beyond or outside the limits of the cities, towns, or villages, from, to or between which the rates apply, such area shall be described in the tariffs.

(2) Residential (assessment of charges on shipments originating at or destined to private residences and other types of premises).

(i) Tariffs of for-hire motor common carriers shall not provide for the application of rates or the imposition of charges, by whatever means, for movements to or from, for example, private residences, apartments, churches, schools, camps, and other such locations, which differ from otherwise applicable rates from or to other locations such as businesses, warehouses, and other generally recognized commercial locations.

(ii) Before attempting delivery to residences and other related types of premises such as those described in (d)(2)(i), the carrier must reach agreement with the consignee or consignor regarding the date and time (approximate) of such delivery. This arrangement for delivery may be accomplished through a notation by the consignor on the bill of lading, or by oral or written arrangement between the carrier and the consignee. In any case some mutually agreed-upon arrangement for delivery must be made before tender of delivery is initially attempted.

(iii) If the carrier complies with the regulation described in (d)(2)(ii) and, through the fault of the consignee, is unable to tender delivery as scheduled, a reasonable charge to cover the service described in (d)(2)(ii) of this section, and additional costs of the renotification arrangement, and redelivery may be assessed. The requirements of (d)(2)(ii) of this section regarding prior arrangement for tender of delivery are similarly applicable when redelivery is necessary.

(e) *Detention of vehicles.* (1) The following rules apply to all shipments except:

(i) Shipments of household goods;

(ii) Whole or mixed shipments of uncartoned or uncrated new furniture, fixtures, or applicances which require inside strapping, wrapping, bracing and other loading devices similar to those needed for household goods; provided that the uncrated trailerload rate applies;

(iii) Commodities transported in bulk in tank truck, dump trucks, vehicles pneumatically unloaded and other self-unloading mechanized vehicles;

(iv) Heavy and specialized commodities or articles requiring special equipment or handling outside the scope of the certificates of general-commodities motor common carriers;

(v) Livestock other than ordinary;

(vi) Articles picked up or delivered to railroad care in railroad owned or leased equipment having prior subsequent transportation by rail;

(vii) Shipments to consignor and consignees of waterborne commerce at marine terminal facilities to the extent that the marine operator would be liable to the motor common for truck detention under any applicable detention rule promulgated pursuant to the authority of the Federal Maritime Commission.

(2) All common carriers of property by motor vehicle subject to Interstate Commerce Act excepting those specifically excluded, supra, shall publish the below rule entitled "Detention-Vehicles With Power Units" and all such carriers engaging in the practice of spotting shall also publish the below rule entitled "Detention-Vehicles Without Power Units." The wording of the following rules may not be varied except where clearly warranted by exceptional circumstances, and where appropriate, the word "rule" may be substituted for the word "item".

(3) *Detention-vehicles with power units.* This item applies when carrier's vehicles with power units are delayed or detained on the premises of con-

signor, consignee, or on other premises designated by them, or as close thereto as conditions will permit, subject to the following provisions:

SEC. 1. *General provisions.* (a) This item applies only to vehicles which have been ordered or used to transport shipments subject to truckload rates. For the purposes of this item, the term truckload rates shall be considered to include shipments moving on a rate subject to a stated minimum weight of 10,000 pounds or more when not designated as a truckload rate, and, where applicable, shipments which are assessed charges based on the provisions of a Capacity Load Rule or are accorded Exclusive Use of Vehicle Service or Expedited Service.

(b) This item applies only when vehicles are delayed or detained at the premises of pickup or delivery and only when such delay or detention is not attributable to the carrier.

(c) Free time for each vehicle will be as provided in section 4. After the expiration of free time, charges will be assessed as provided in section 5.

(d) The detention charges due the carrier will be assessed against the consignor in the case of loading and against the consignee in the case of unloading, irrespective of whether line-haul charges are prepaid or collect. When detention charges are attributable to others who are not parties to the Bill of Lading, the party responsible for the payment of the freight charges will be responsible for any accrued detention. (See Note A following SEC. 6).

(e) When carrier's employee assists in loading, unloading, or checking the freight, this item will apply whether or not the power unit is actually detained.

(f) Nothing in this item shall require a carrier to pick up or deliver freight at hours other than carrier's normal business hours. This shall not be construed to restrict a carrier's ability to accept pickup and delivery schedules at hours other than its normal business hours.

SEC. 2. *Definitions.* The following general definitions will apply when the below terms are used in this item:

(a) "Vehicle" means straight trucks or tractor-trailer combinations used for the transportation of property.

(b) "Loading" includes furnishing carrier with the Bill of Lading, forwarding directions, or other documents necessary for forwarding the shipment.

(c) "Unloading" includes: (1) Surrender of the Bill of Lading to the carrier on shipments billed "To Order"; (2) Payment of lawful charges to the carrier when required prior to delivery of the shipment; (3) Notification to the carrier that vehicle is unloaded; and (4) Signing of the delivery receipt.

(d) "Premises" means the entire property at or near the physical facilities of consignor, consignee, or other designated party.

(e) "Site" means a specific location at or on the premises of consignor, consignee, or other designated party.

(f) "Normal non-working periods" means meal, coffee, and rest breaks.

(g) "Pallet" means pallets, platforms, shipping racks, or skids with or without standing sides or ends, but without tops.

SEC. 3. *Computation of time.* (a) *Commencement and termination.* (1) The time per vehicle shall begin to run upon actual notification by carrier's employee to a responsible representative of consignor, consignee, or other designated party at the premises of pickup or delivery of the arrival of the vehicle for loading or unloading. Upon such notification, the responsible representative of consignor, consignee, or other designated party may enter the time of arrival onto the carrier's detention record. If the representative refuses to enter the time, then carrier's employee will enter the time and it will be binding upon each party.

(2) Time shall end upon completion of loading or unloading except as provided for in paragraph (c) of this section. Upon such completion, a responsible representative of consignor, consignee, or other designated party may enter the time of completion onto the carrier's detention record. If the representative refuses to enter the time, then carrier's employee will enter the time and it will be binding.

(b) *Prearranged scheduling.* (1) Subject to the provisions of item (here the carrier is to identify its pertinent rule), and upon reasonable request of consignor, consignee, or others designated by them, carrier will without additional charge enter into a prearranged schedule for arrival of the vehicle for loading or unloading.

(2) When the carrier enters into a prearranged schedule with consignor, consignee, or others designated by them for the arrival of the vehicle for loading or unloading and carrier is unable for any reason to maintain such schedule, then carrier and consignor, consignee, or other party designated by them have the option to agree to a mutually convenient and prompt alternative arrival time or in the event such agreement cannot be reached, to compute detention time against consignor, consignee, or other party designated by them from carrier's actual arrival time subject to an extension of 15 minutes for each 15 minutes or fraction thereof, the vehicle is delayed beyond the originally scheduled arrival time; in no case shall such extended free time exceed 60 minutes.

(3) If carrier's vehicle arrives prior to scheduled time, time shall begin to run from the scheduled time or actual time loading or unloading commences, whichever is earlier.

(c) *Conditions governing the computation of time.* (1) Computations of time are subject to and are to be made within the normal business hours at the designated place of pickup or delivery. If carrier is permitted to work beyond this period, such working time shall also be included.

(2) When loading or unloading is not completed at the end of normal business hours at the designated place, consignor, consignee, or other party designated by them shall have the option: (i) To request that the vehicle without power remain at its premises subject to the provisions of section 4(d); or (ii) to request that the vehicle with power be returned to carrier without being subject to charges for storage or redelivery so long as free time has not yet expired. When the vehicle is returned for completion of loading or unloading the computation of any remaining free time will resume. If free time has expired and detention has begun to accrue, storage or redelivery charges as may otherwise be provided will be assessed.

(3) When carrier's employee interrupts loading or unloading by the taking of any normal nonworking periods, any such time will be excluded from the computation of free time, or will be excluded from the computation of time in excess of free time.

SEC. 4. *Free time.* (a) Free time shall be computed as follows:

Actual weight in pounds per vehicle stop (see note B following SEC. 6.)	Free time in minutes per vehicle stop
Less than 10,000	120
10,000 but less than 20,000	180
20,000 but less than 28,000	240
28,000 but less than 36,000	300
36,000 but less than 44,000	360
44,000 or more	420

(b) When at least 90 percent of the shipment weight (exclusive of pallet weight) is loaded on pallets, or when the shipment is loaded on flatbed or other open top equipment, free time shall be one-half that amount normally applicable for the weight, not to exceed 120 minutes, except that, when open-top equipment is used in lieu of closed equipment to transport shipments of unpalletized general commodities, free time will be as provided in section 4(a).

(c) When more than one truckload shipment or a truckload shipment and one or more less-than-truckload or any quantity shipments are loaded on one vehicle at the premises of consignor or when more than one truckload shipment or a truckload shipment and one or more LTL or AQ shipments are unloaded from one vehicle at the premises of consignee or other designated party, the combined weight will be used to determine free time; in all other instances the individual shipment weight will be used.

(d) When a vehicle with power is changed to a vehicle without power at the request of consignor, consignee, or other party designated by them, the free time and detention charges will be applied as follows:

(1) If the change is requested and made before the expiration of free time for a vehicle with power, free time will cease immediately at the time the request is made, and detention charges for vehicles without power will immediately commence with no further free time allowed.

(2) If the change is requested and made after the expiration of free time for a vehicle with power, free time and detention charges will be computed on the basis of a vehicle with power up to the time the change was requested. In addition thereto, the vehicle will immediately be charged detention for vehicles without power with no further free time allowed.

(e) When a vehicle is both unloaded and reloaded, each transaction will be treated independently of the other, except that when loading is begun before unloading is completed, free time for loading shall not begin until free time for unloading has elapsed.

(f) Loading or unloading at more than one site at or on the premises of consignor, consignee, or other designated party shall constitute one vehicle stop.

SEC. 5. *Charges.* When the delay per vehicle beyond free time is 1 hour or less the charge will be $18. For each additional 30 minutes or fraction thereof, the charge will be $9.

SEC. 6. *Records.* A written record of the following information must be maintained by the carrier on all truckload shipments, and such record must be kept available at all times:

(a) Name and address of consignor, consignee, or other party at whose premises freight is loaded or unloaded; (b) Identification of vehicle tendered for loading or unloading; (c) Date and time of notification of arrival of the vehicle for loading or unloading; (d) Date and time loading or unloading is begun; (e) Date and time loading or unloading is completed; (f) Date and time vehicle is released by consignor, consignee, or other party at place of pickup or delivery after loading or unloading is completed; (g) Actual time of nonworking periods; (h) Total actual weight of shipment or shipments loaded or unloaded; (i) Whether vehicles are tendered under a prearranged schedule for loading or unloading; (j) Date and time specified for vehicles tendered under a prearranged schedule; (k) Alternative arrangement made when a vehicle is tendered under a prearranged schedule that was not adhered to.

Note A.—At those marine terminal facilities where Federal Maritime Commission detention charges apply, carrier charges pursuant to this rule will be assessed on the party responsible for the payment of the freight charges to the extent such charges exceed those of the Federal Maritime Commission.

Note B.—Also applies to the last vehicle used in transporting overflow truckload shipments, or to vehicles containing truckload shipments stopped for completion of loading or partial unloading.

(4) *Detention-vehicles without power units spotting or dropping of trailers.* (See note following Sec. 5). This item applies when carrier's vehicles without power units are delayed or detained on the premises of consignor, consignee, or on other premises designated by them, or as close thereto as conditions will permit, subject to the following provisions:

Sec. 1. *General provisions.* (a) Subject to the availability of equipment, carrier will spot empty or loaded trailers for loading or unloading on the premises of consignor, consignee, or on other premises designated by them, or as close thereto as conditions will permit.

(b) Loading or unloading will be performed by consignor, consignee, or other party designated by them. When carrier's employee assists in loading, unloading, or checking the freight, the detention provisions governing vehicles with power units will apply. In the case of spotting for loading the Bill of Lading must show "Shipper Load and Count."

(c) Carrier responsibility for safeguarding shipments loaded into trailers spotted under the provisions of this item shall begin when loading has been completed and possession thereof is taken by the carrier.

(d) Carrier responsibility for safeguarding shipments unloaded from trailers spotted under the provisions of this item shall cease when the trailer is spotted at or on the site designated by consignee.

(e) Free time for each vehicle will be as provided in section 3. After the expiration of free time charges will be assessed as provided in section 4.

(f) The detention charges due the carrier will be assessed against the consignor in the case of spotting for loading and against the consignee in the case of spotting for unloading irrespective of whether charges are prepaid or collect.

(g) Nothing in this item shall require a carrier to pick up or deliver spotted trailers at hours other than carrier's normal business hours. This shall not be construed as a restriction on carrier's ability to pick up or deliver spotted trailers at hours other than its normal business hours.

Sec. 2. *Definitions.* The following general definitions will apply when the below terms are used in this item:

(a) "Vehicle" means tractor-trailer combinations used for the transportation of property, where: (1) "Trailer" means mobile units used to transport property; and (2) "Tractor" means a mechanically powered unit used to propel or draw a trailer or trailers upon the highways.

(b) "Loading" includes: (1) Furnishing of the Bill of Lading, forwarding directions, or other documents necessary for forwarding the shipment to the carrier; and (2) notification to the carrier that the vehicle is loaded and ready for forwarding.

(c) "Unloading" includes: (1) Surrender of the Bill of Lading to the carrier on shipments billed "To Order"; (2) Payment of lawful charges to the carrier when required prior to delivery of the shipment; (3) Notification to the carrier that vehicle is unloaded and ready for forwarding; and (4) Signing of delivery receipts.

(d) "Premises" means the entire property at or near the physical facilities of consignor, consignee, or other designated party.

(e) "Site" means a specific location at or on the premises of consignor, consignee, or other designated party.

(f) "Spotting" means the placing of a trailer at a specific site designated by consignor, consignee, or other party designated by them, detaching the trailer, and leaving the trailer in full possession of consignor, consignee, or other designated party unattended by carrier's employee and unaccompanied by power unit. Carrier will not move the trailer until such time as it has received notification, pursuant to section 3, that the trailer is ready for pickup at any site on premises. Consignor, consignee, or other designated party may shift the spotted trailer with its own power units at its own expense and risk for the purpose of loading or unloading. Empty trailers placed at the premises of consignor without specific request are not spotted until the carrier recieves a consignor's request and places a trailer for spotting. Movement of the trailer from the consignor's premises to the specific site for spotting shall be the obligation of the carrier, and free time shall accrue as provided in section 3.

Sec. 3. *Computation of free time.* (a) *Commencement of spotting and free time.* (1) Spotted trailers will be allowed 24 consecutive hours of free time for loading or unloading. For trailers spotted for unloading, such time shall commence at the time of placement of the trailer at the site designated by consignee, or other party designated by consignee. For trailers spotted for loading, such time shall commence when the trailer is spotted at the site specifically designated by the consignor or a party designated by consignor.

(2) When any portion of the 24 hour free time extends into a Saturday, Sunday, or holiday (national, state, or municipal), the computation of time for such portion shall resume at 12:01 a.m. on the next day which is neither a Saturday, Sunday, or holiday.

(3) Free time shall not begin on a Saturday, Sunday, or holiday (national, state, or municipal), but at 8 a.m. on the next day which is neither a Saturday, Sunday, or holiday.

(4) When a trailer is both unloaded and reloaded, each transaction will be treated independently of the other, except that when loading is begun before unloading is completed, free time for loading shall not begin until free time for unloading has elapsed.

(b) *Termination of spotting and notification.* (1) Consignor, consignee, or other party designated by them shall notify carrier when loading or unloading has been completed and the trailer is available for pickup. The trailer will be deemed to be spotted and detention charges will accrue until such time as the carrier receives notification. Notification by telephone if convenient and practical, otherwise by telegraph or mail shall be given by consignor, consignee, or other party designated by them at their own expense, to carrier or other party designated by carrier for the purpose of advising such carrier or other party that the spotted trailer has been loaded or unloaded and is ready for pickup. If notification is by telephone, carrier may require written confirmation.

(2) When a spotted trailer is changed to a vehicle with power at the request of consignor, consignee, or other party designated by them, the free time and detention charges will be applied as follows: (i) If the change is requested and made before the expiration of free time for a spotted trailer, free time will cease immediately at the time the request is made, and detention charges for vehicles with power will immediately commence with no further free time allowed; and (ii) If the change is requested and made after the expiration of free time for a spotted trailer, free time and detention charges will be computed on the basis of a spotted trailer up to the time the change was requested. In addition thereto, the vehicle will immediately be charged detention for a vehicle with power with no further free time allowed.

(c) *Prearranged scheduling.* (1) Subject to the provisions of item (here the carrier is to identify its pertinent rule), and upon reasonable request of consignor, consignee, or others designated by them, carrier will without additional charge enter into a prearranged schedule for the arrival of trailers for spotting.

(2) If carrier's vehicle arrives later than the scheduled time, time shall begin to run from actual time spotting commences.

(3) If carrier's vehicle arrives prior to scheduled time, time shall begin to run from the scheduled time or actual time spotting commences, whichever is earlier.

SEC. 4. *Charges.* (a) *General Detention Charges.* After the expiration of free time as provided in section 3(a) of this item, charges for detaining a trailer will be assessed as follows:

	Charge
1. For each of the first and second 24-hour periods or fraction thereof (Saturdays, Sundays, and holidays excepted)	$25
2. For each of the third and fourth 24-hour periods or fraction thereof (Saturdays, Sundays, and holidays excepted)	35
3. For the fifth and each succeeding 24-hour period or fraction thereof (Saturdays, Sundays, and holidays included)	50

(b) *Delay in trailer pickup charge.* No additional charge will be made for picking up trailers spotted under this item when such pickup can be performed within 30 minutes after arrival of driver and power unit at premises of consignor, consignee, or other party designated by them. When a delay of more than 30 minutes is encountered, detention charges for vehicles with power will commence from the time of arrival as specified in item (here the carrier is to identify its pertinent rule).

(c) *Strike interference charge.* When because of a strike of its employees, it is impossible for consignor, consignee, or other party designated by them to make available for movement by carrier any partially loaded, or empty trailers detained on their premises, a detention charge of $25 per day or fraction thereof, per trailer will be made following expiration of free time. Saturdays, Sundays, and holidays shall be included after the fourth day of charges.

SEC. 5. *Records.* A written record of the following information must be maintained by the carrier on all spotted trailers, and such record must be kept available at all times: (a) Name and address of consignor, consignee, or other party at whose premises the trailer is spotted; (b) Identification of spotted trailer; (c) Date and time of arrival of the trailer for spotting; (d) Date and time notification that the spotted trailer is ready for pickup was received by carrier; (e) Date and time of arrival and departure of power unit for pickup; (f) The duration of any strike induced delay on the premises of consignor, consignee, or other designated party which resulted in carrier's inability to obtain the release of any trailer, and any actions taken to hasten the release; (g)

Whether trailers are spotted under a prearranged schedule; and (h) When trailers are spotted under a prearranged schedule, the date and time specified therefor.

NOTE.—For the purposes of this item the terms spotting and dropping are considered to be synonymous and are used interchangeably.

(49 U.S.C. 301 et seq., including secs. 303(b), 308(a), 316 (b)(d), 317 (a)(b)(d), 322 (c), 49 U.S.C. 10321,10704; 5 U.S.C. 553 and 559)

[32 FR 20580, Dec 20, 1967, as amended at 42 FR 31795, June 23, 1977; 43 FR 30563, July 17, 1978; 44 FR 33071, June 8, 1979; 44 FR 57413, Oct. 5, 1979]

§ 1307.36 Distance rates.

(a) *Distance rates may be used when no other rates provided.* (1) A carrier or an agent acting for a carrier or carriers, may file tariffs containing distance or mileage class or commodity rates, or both. Except as otherwise provided in Subpart B, distance or mileage class rates may be used only when no through class rates (other than distance class rates) are published to apply from and to the same points over the same route, and distance or mileage commodity rates may be used only when no through commodity rates (other than distance commodity rates) are published to apply from and to the same points over the same route. Except as otherwise provided in Subpart B, distance or mileage commodity rates will apply even though through class rates are published to apply from and to the same points over the same route.

(2) Tariffs containing distance or mileage rates shall clearly and definitely show the application of the rates. Distance tariffs of regular route carriers shall contain an alphabetical list of points between which the rates apply and shall also show in proper arrangement the distances between such points, or shall make reference by MF-ICC number to a separate tariff, constructed in accordance with one of the plans set forth in paragraph (c) of this section, for such list of points and distances. Tariffs of irregular route carriers naming mileage rates may either contain a list of points served together with distances or may refer by MF-ICC number to a distance guide or guides issued by such carriers or their duly authorized agents clearly and accurately indicating distances between all points served.

(b) *Notation on distance class rate tariff.* (1) Each tariff that contains only distance or mileage class rates must bear on its title page the following rule:

> Distance or mileage class rates shown herein may be used only when no commodity rates or class rates (other than distance class rates) have been published to apply from and to the same points over the same route.

(2) Each tariff that contains only distance or mileage commodity rates must bear on its title page the following rule:

> Distance or mileage commodity rates shown herein may be used only when no commodity rates (other than distance commodity rates) have been published to apply from and to the same points over the same route.

(3) Each tariff that contains only distance or mileage class and commodity rates must bear on its title page the following rule:

> Distance or mileage class rates shown herein may be used only when no commodity rates or class rates (other than distance class rates) have been published to apply from and to the same points over the same route, and distance or mileage commodity rates shown herein may be used only when no commodity rates (other than distance commodity rates) have been published to apply from and to the same points over the same route.

(4) If distance or mileage rates without alternative application are published in a tariff which also contains rates other than distance rates, the notations for class, or commodity, or both class and commodity rates, as the case may be, prescribed by this section shall be shown immediately in connection with such distance or mileage rates.

(c) *Local distance table must be filed.* (1) Each regular route carrier that maintains local distance or mileage rates published in a tariff which does not contain a list of points between which such rates apply together with distances between such points shall publish, post, and file, individually or through an agent, a tariff containing a list of points served and the distances over its line between such points, arranged in one of the following four ways:

(i) Showing the distance from each point to each point.

(ii) Showing the distance from each point to each transfer point with another carrier or with a branch of the same carrier.

(iii) Showing the distance from each transfer point with another carrier or with a branch of its own line to each other such transfer point, and the distance from each local point to the nearest transfer point in each direction.

(iv) Until further notice, carriers may comply with this section by including in each tariff naming distance rates a map, specially prepared and made an integral part of the tariff, indicating clearly and accurately the distances between all points between which rates are published. Instead of including separate maps in rate tariffs, reference may be made in the rate tariff to a separate distance guide constructed on the principle of maps, or combinations of tables and maps, definitely and clearly indicating distances between the points covered by the rate tariff making reference thereto. All carriers parties to rate tariffs making reference to separate distance guides must be parties also to the distance guide referred to in the rate tariff.

(2) Each of such tariffs shall clearly indicate the transfer points at which the carrier interchanges traffic and shall name the connecting carrier with which transfer is made at each such transfer point.

(d) *Joint distance or mileage tables.* (1) Carriers, operating over regular or irregular routes, that participate in joint distance or mileage rates must either (i) publish in the tariff containing such joint distance or mileage rates or in a separate duly authorized publication an alphabetical list of all points between which such distance or mileage rates apply and the distances from each of such points to every other point, indicating in any appropriate manner which of such points are transfer points at which it is possible to interchange traffic and naming the connecting carriers at each such transfer point with which such transfer is possible; or (ii) file through an agent, duly authorized, a separate joint publication which shall contain an alphabetical list of all the transfer points on their respective lines at which it is possible to interchange traffic in the area embraced by the application of such joint distance or mileage rates, together with the names of the connecting carriers at each transfer point with which transfer is possible, and the distance from each such transfer point to each other transfer point; and they shall, in the tariffs containing such joint distance or mileage rates, give reference by MF-ICC number to such separate joint publication. The latter shall also contain the distance from each local station to the nearest transfer point in each direction over the line of the same carrier, or the tariff containing the joint distance or mileage rates shall refer by MF-ICC number to the tariff or tariffs of each carrier containing the distances between points on its line and such junction points.

(2) Until further notice, a method of publication of distances similar to that authorized in paragraph (c)(1)(iv) of this section may be used instead of the methods of publication specified in paragraph (d)(1)(i) and (ii) of this section.

NOTE: It is not intended by the two preceding paragraphs to require carriers to have a separate publication for each rate tariff containing joint distance or mileage rates but all the distances over which joint rates in which such carrier participates may be included in one publication.

§ 1307.37 Classification, exceptions, and rules tariffs.

(a) *Classification.* A tariff may be filed containing a classification of the articles or commodities upon which the rates named in other tariffs making reference thereto will apply. The various articles or commodities shall be listed in the classification in an orderly manner and a rating indicating the class rate to be applied shall be shown in connection with each item or items containing a description of the articles. Such a tariff shall contain an alphabetically arranged index of all of the articles or commodities so listed. It is not permissible to state that the rating or rate on any article will be that applying upon another article. For example: The classification may not state that "Fire clay, crude or ground," will take "Firebrick rates." If it is intended that fire clay take the same rating as is designated for fire brick, the same rating shall be shown in connection with the item listing fire clay.

(b) *Rule in classification.* (1) Each classification shall contain the following rule:

> The establishment of a commodity rate removes the application of the class rate on the same article between the same points over the same route, except when and insofar as alternative use of class and commodity rates is specifically provided in the tariff containing such commodity rates, and except that import, export, coastwise, and intercoastal class rates will take precedence over commodity rates which are not published to apply specifically on import, export, coastwise, or intercoastal traffic.

(2) In applying the rule in paragraph (b)(1) of this section, a local commodity rate will take precedence, on traffic originating or destined beyond, over a proportional class rate between the same points over the same route whether higher or lower, but an import, export, coastwise, or intercoastal class rate will take precedence on import, export, coastwise, or intercoastal traffic, respectively, over a domestic commodity rate.

(c) *Rules.* Rules which have a general application in a classification territory, or throughout the country, may be published in a classification tariff. Such rules must precede the list of articles shown in the classification and must be consecutively numbered and separately indexed.

(d) *Exceptions to classification.* (1) A separate tariff may be filed containing exceptions to the classification for application in connection with tariffs or rates making reference thereto. Each classification exceptions tariff shall contain the rule above provided for a classification tariff. Exceptions published therein must not be restricted to a small number of points in order to avoid the publication of commodity rates between such points. One rate tariff may be governed for account of any one carrier by not more than one tariff of exceptions to each classification governing the tariff, published either individually or by an agent A tariff of exceptions may not contain any matter which is not in fact an exception to a rule, rating, or other condition published in a classification, except as provided in paragraph (e) of this section, nor will it be permissible to state that the rating or rate on any article will be that applying to another article. When tariffs naming joint rates make reference to separate publications containing exceptions to the classification, the tariffs of exceptions must be concurred in by all of the carriers participating in the joint rates.

(2) Different classification ratings on the same article, or articles, based on different minimum quantities may be published in an exceptions tariff provided the lowest charge resulting from any such rating applied in connection with its published minimum (or actual quantity shipped, if greater) is made applicable by publishing such ratings in the same item and by providing in connection with such item a rule to the effect that the lowest charge obtainable under the different ratings and minima applicable thereto (or actual quantities if greater) will be applied.

(3) Tariffs containing exceptions to the classification may not provide for the alternation of such exceptions with the classification proper.

(e) *To be arranged same as classification.* (1) The matter in a tariff of exceptions shall be arranged in the same order as in the classification and separate and complete alphabetical indexes of the rules and of the articles listed therein shall be shown. Each general rule published in the exceptions to the classification shall be given a number and shall refer to the rule in the classification to which it is an exception. The following notation shall be shown on the title page of each tariff of exceptions:

> Applicable only in connection with tariffs making reference to the MF-ICC number hereof.

(2) When desired, rules and regulations covered by § 1307.27(h) may be included in the same publication with

classification exceptions. In such cases, the classification exceptions tariff will be counted in applying the provisions of paragraph (f) of this section. Lists of commodities authorized in § 1307.28(e) may also be included with classification exceptions, in which case carriers may not have other tariffs publishing commodity lists exclusively. Where classification exceptions are published in the same tariff with rules, or commodity lists, the publication should be divided into sections, the first containing the classification exceptions, the second containing the rules and similar provisions, and the third containing the lists of articles. Such a publication shall contain a complete index.

(f) *Rules may be published in separate tariffs.* (1) If it is not desirable or practicable to include the governing rules and similar provisions in the rate tariff, such rules and similar provisions may be separately published in tariffs filed by an individual carrier or by an agent. Except as noted below, any carrier may not apply more than two such rules tariffs, one of which shall be published by such carrier itself, and the other by an agent. The following tariffs will not be counted in applying the provisions of this paragraph. Tariffs containing exclusively rules and charges applying to the special services covered by § 1307.35; classification and classification exceptions tariffs authorized by paragraphs (a) and (d) of this section; rate basis books authorized by § 1307.38; and tariffs containing rules and regulations governing the transportation of explosives and other dangerous articles.

(2) When rules or regulations are thus separately published, rate tariffs may be made subject thereto only by specific MF-ICC reference in the rate tariff. This reference should be made in substantially the following form:

> Governed, except as otherwise provided herein, by rules (or regulations) shown in MF-ICC No. ——, supplements thereto or successive issues thereof. (When issued by an agent, add "issued by ——————, Agent.")

(g) *Explosives regulations.* Tariffs which name rates for the transportation of explosives, inflammable or corrosive materials, or other dangerous articles shall, as required by § 1307.27(h), contain the hazardous materials regulations promulgated by the Department of Transportation governing the transportation of such articles or give reference to a separate publication filed with this Commission by the carrier or by an agent containing such regulations. When the latter method is adopted, the tariff to which reference is made shall contain nothing except the regulations promulgated by the Department for handling such articles and necessary provisions for the application of such regulations.

(h) *Participation in governing publications.* All carriers parties to tariffs making reference to separate publications for classification ratings, exceptions thereto, rules, or other provisions affecting the rates or the services rendered, except such carriers as indicate by restrictions published in the tariffs making reference to such separate publications that they will not apply the provisions therein, shall also be participating carriers in such separate governing publications. This section does not require participation in local drayage tariffs or tariffs containing other provisions which are local to the lines publishing such tariffs.

§ 1307.38 Rate basis books.

(a) *Rate basis books.* (1) Separate tariffs may be published, filed, and posted showing the rate groups or rate bases to be used in determining rates between points named therein. When such a separate publication is issued, reference shall be made in the rate tariff to the MF-ICC number of such separate publication in substantially the form prescribed in § 1307.27(f). All carriers parties to the rates governed by the rate basis book shall be shown as participating carriers both in the rate tariff and in the separate publication.

(2) No rate may be governed by more than two such separate publications, one for points of origin and one for points of destination. A rate tariff may not refer to another rate tariff for list of points assigned rate groups or rate bases.

(b) *Order of arrangement.* Rate basis books must conform to the following requirements. Such a publication shall not contain rules for application of bases or rates at intermediate points. The name of the carrier serving each point shall be shown, and the points in such publication shall be arranged in alphabetical order, or such publication shall contain an index as provided in § 1307.27(d). The rate group or rate basis, or arbitraries or differentials to be added to or deducted from the group or base rates, shall be shown immediately in connection with the name of each point, except that reference may there be made to an item showing such information. Exceptions to the rate group or rate basis should not be made in rate basis books unless such exceptions apply to or from a considerable number of points or on a considerable number of commodities. When arbitraries or differentials which are to be added to or deducted from the base or group rates are governed by classification provisions, other than those governing the base or group rate, reference to such other classification provisions shall be made immediately in connection with the arbitraries or differentials.

(c) *Rules governing rates.* All the rules and other provisions governing the application of rates determined by the use of a rate tariff and rate-basis books shall be published in the rate tariff or made a part thereof by reference as provided in §§ 1307.27(h) and 1307.37(f).

(d) *Carriers' operating rights.* A separate section in a rate-basis book or a separate tariff similarly constructed, published, and filed may include information describing the operating rights of the carriers parties thereto as set forth in the carriers' certificates.

§ 1307.39 Tariffs of joint agents.

(a) *Joint tariffs issued by joint agents.* An agent for certain carriers may join with not more than two other agents for other carriers in the issuance of tariffs. This may be done without each of such agents having powers of attorney from all of the carriers parties to the tariff as required by § 1307.27(b), provided each carrier is shown as participating under authority issued to one of such agents. In such cases, each agent acts for the carriers that have given him powers of attorney or have given concurrences to the carriers issuing powers of attorney and for such lines only.

(b) *MF-ICC numbers and filing.* Such publication shall bear a separate MF-ICC number in the series of each agent and each of the agents shall file the publication and each and every supplement thereto for and on behalf of the carriers for which he is agent, as if it were his individual publication on behalf of those carriers alone.

(c) *Tariffs and supplements must be identical and must be filed under one cover.* The tariff filed by one agent is not a complete publication properly authorized by all carriers named therein. It is a complement of the tariff filed by each agent and, therefore, identical copies of each tariff and of each supplement thereto must be filed by each agent. As each agent will file the tariff for the carriers which he lawfully represents, the cross exchange of concurrences between all of the different carriers represented by each agent will not be necessary as to that tariff. In order to avoid complications, all copies of each publication, accompanied by a letter of transmittal signed by each agent, shall be filed under one cover. A tariff filed by one agent shall not be amended to show an additional agent as participating in the issuance thereof except upon reissue of the tariff; nor shall a tariff issued by joint agents be converted into one issued by a lesser number of agents except by reissue.

(d) *List of participating carriers.* Each publication issued by two or three agents jointly shall show one complete alphabetical list of participating carriers indicating the carriers from which each of the agents has power of attorney, by showing in separate columns the form and number of the authority granted to each, and also indicating the carriers that participate under concurrences to any of the carriers for which one of the agents acts, by showing in an additional column the form and number of such concurrences together with appropriate reference marks to indicate the carriers to whom the concurrences are given.

§ 1307.40 Seasonal motor-water rates.

(a) *Discontinuance and restoration of water service.* Tariffs containing motor and water rates, applicable over routes upon which it is necessary to close navigation during a portion of each year, shall provide for the restoration and discontinuance of service over such routes in the manner prescribed below.

NOTE: Existing tariffs which contain provisions at variance with the requirements of this rule must be supplemented or reissued for the purpose of substituting the provisions of this rule for the provisions now contained in such tariffs.

(b) *Notation on title page.* The following notation shall appear on the title page of the tariff:

Transportation service in connection with (here insert name of water carrier or carriers named in the tariff) is subject to restoration and discontinuance as indicated on page—.

(c) *When definite dates of service can not be determined.* (1) When definite dates for restoration and discontinuance of transportation service for each season of navigation cannot be determined, the following rule shall be published in the tariff under the heading of "Application of Rates";

Shipments will be accepted by carriers parties to this tariff during the period from (here show date approximately thirty days prior to the first sailing from port of transshipment) to (here insert date which will allow sufficient time for shipment to reach the port of transshipment prior to the last sailing) of each year, for transportation on the vessels of the (here insert name of water carrier or carriers named in the tariff). Shipments will also be accepted from the latter date until the date announced by supplements to this tariff subject to the conditions that all freight left on hand at the port of transshipment after the closing of navigation for lack of space on vessels sailing after the arrival of such freight, and all freight reaching the port of transshipment after the last sailing of each season of navigation, will be forwarded over all-motor routes and be subject to the tariff rates applicable over such all-motor routes in effect on date of shipment from the point of origin of the shipment. In such cases shipping receipts and bills of lading shall bear notation to that effect. Supplements announcing the final date upon which shipments will be accepted for transportation under this tariff and effective supplements thereto will be filed with the Interstate Commerce Commission and posted at points from which the rates apply not less than one day in advance of such date.

(2) The dates for restoration and discontinuance of service as set forth in this section shall be shown in boldface type.

(d) *When definite dates of service can be determined.* (1) When definite dates for restoration and discontinuance of transportation service for each season of navigation can be determined, the following rule shall be published in the tariff under the heading of "Application of Rates":

Shipments will be accepted by carriers parties to this tariff during the period from (here show date approximately thirty days prior to the first sailing from port of transshipment) to (here show date which will allow sufficient time for shipment to reach the port of transshipment prior to the last sailing) of each year, for transportation on the vessels of the (here insert name of water carrier or carriers named in the tariff). Shipments will also be accepted from the latter date until (here insert final date upon which shipments will be accepted for transportation under the tariff and effective supplements thereto), subject to the condition that all freight left on hand at the port of transshipment after the closing of navigation for lack of space on vessels sailing after the arrival of such freight, and all freight reaching the port of transshipment after the last sailing of each season of navigation, will be forwarded over all-motor routes and be subject to the tariff rates applicable over such all-motor routes in effect on date of shipment from the point of origin of the shipment. In such cases shipping receipts and bills of lading shall bear notation to that effect. No supplement will be issued to this tariff announcing the date of discontinuance of transportation service.

(2) The dates for restoration and discontinuance of service as set forth in this rule shall be shown in boldface type.

(e) Supplements announcing discontinuance of transportation service under this rule may be filed with the Interstate Commerce Commission and posted at points from which the rates apply on not less than 1 day's notice by noting thereon reference to this section. Only one such supplement may be in effect at any time; it may not contain other matter and may be issued without regard to the requirements of § 1307.30(d).

(f) *Tariffs may be reissued.* Tariffs containing motor and water rates may be reissued or amended at any time in the regular manner, but tariffs containing the clause prescribed by paragraph (c) of this section which are made effective subsequent to the date of actual discontinuance of service shall contain a statement that service was discontinued on ———— as per Supplement No. —— to MF-ICC No. —— (former tariff) and that a further supplement announcing discontinuance of service for that season will not be filed.

§ 1307.41 Rates prescribed by Commission.

(a) *Rates prescribed by Commission must be promulgated in tariffs and Commission notified.* Rates prescribed by the Commission in its decisions and orders in formal cases shall be promulgated by the carriers to which such orders are issued in duly published, field, and postal tariffs, revised page, or supplements, and notice shall be furnished the Commission that its decision (or order) in Docket No. ——, has been complied with in Item ——, page —— of ———— tariff, MF-ICC No. —— or Supplement No. —— to ———— tariff, MF-ICC No. ——. Unless otherwise specified in the decision or order in the case, the prescribed rates shall be made effective upon statutory notice to the Commission and to the public.

(b) *Notation on tariff.* (1) When an entire tariff or supplement is issued in compliance with a decision or order of the Commission, whether made effective on less than statutory notice under special authority granted in the decision or order in the case or upon statutory notice, such tariff or supplement shall bear on its title page the notation, "In compliance with decision (or order) of Interstate Commerce Commission in Docket No. ——." (When possible, the volume and page number of the report of the Interstate Commerce Commission should be shown.)

(2) If the decision or order of the Commission affects only portions of the tariff or supplement, the above notation shall be shown in connection with each portion so affected.

§ 1307.43 Transfer of operations; changes in name and control.

(a) *Complete adoption notice.* (1) When the name of a common carrier is changed, or when its operating control is transferred to another common carrier, the carrier which will thereafter operate the properties shall file with the Interstate Commerce Commission and post as required in § 1307.44 an adoption notice in the form of a tariff numbered in its MF-ICC series and containing substantially the following:

> (Name, also trade name, if any, of adopting carrier) hereby adopts, ratifies, and makes its own, in every respect as if the same had been originally filed and posted by it, all tariffs, classifications, rules, notices, traffic agreements, statements of divisions, powers of attorney, concurrences, or other instruments whatsoever, including supplements or amendments thereto, filed with the Interstate Commerce Commission by, or heretofore adopted by (name and trade name, if any, of former carrier) prior to (date).

(2) In addition to the above adoption notice the adopting carrier shall immediately file with the Interstate Commerce Commission and post as required in § 1307.44 a consecutively numbered supplement to each of the effective tariffs issued or adopted by its predecessor, reading as follows:

> Effective (here insert date shown in the adoption notice) this tariff, or as amended, became the tariff of (name and trade name, if any, of the adopting carrier) as stated in its adoption notice MF-ICC No. ——.

(3) Subsequent supplements to adopted tariffs shall be numbered consecutively, beginning with the number following that of the adoption supplement, and shall show in connection with the MF-ICC number that the number is in the series of the former carrier.

(4) New tariffs reissuing or superseding adopted tariffs shall be numbered in the MF-ICC series of the adopting carrier. The adopting carrier, when canceling any tariff issued or adopted by the old carrier, shall identify such

tariff in the cancellation notice by reference to its MF-ICC number, by reference to the name of the carrier that issued it, and, when tariffs have been published by the old carrier in more than one series, by reference to the particular series in which that tariff was published.

(b) *Old carrier's name to be eliminated and new carrier's name added.* Tariffs issued by other carriers or agents participated in by a carrier whose name is changed or that is absorbed, taken over, or operated by another carrier or of a carrier whose name is changed shall be amended on statutory notice in the regular way (that is, by the next supplement or revised page filed) to eliminate from the list of participating carriers the name of the old carrier and to add thereto the name of the new carrier. Such supplement or revised page shall also contain the following provision:

> (Name and trade name, if any, of the adopting carrier) by its adoption notice. MF-ICC No. ——, which became effective on ————————, having taken over the tariffs, etc., of (name and trade name, if any, of the former carrier), (name and trade name, if any, of the adopting carrier) is hereby substituted for (name and trade name, if any, of the old carrier) wherever it appears in this tariff.

(c) *Partial adoption notice.* (1) When the operating control of a common carrier's properties is transferred in part to another common carrier, the carrier which will thereafter operate that part of the properties shall file with the Interstate Commerce Commission and post as required in § 1307.44 an adoption notice in the form of a tariff numbered in its MF-ICC series and containing substantially the following:

> (Name and trade name, if any, of adopting carrier) hereby adopts, ratifies, and makes its own in every respect as if the same had been originally filed and posted by it, all tariffs, classifications, rules, notices, traffic agreements, statements of divisions, powers of attorney, concurrences, or other instruments whatsoever, including supplements or amendments thereto, filed with the Interstate Commerce Commission by, or heretofore adopted by (name and trade name, if any, of the original carrier) prior to (date) insofar as said instruments apply (here describe the operations transferred).

(2) In addition to the above adoption notice, the old carrier shall immediately file with the Interstate Commerce Commission and post as required in § 1307.44, under proper concurrence from the adopting carrier, a supplement to each of its effective tariffs covered by the adoption notice reading as follows:

> Effective (here insert date shown in adoption notice) this tariff or as amended, insofar as it contains rates, rules, and other provisions applying (here describe the operations transferred), became the tariff of (name and trade name, if any, of the adopting carrier) as stated in its adoption notice, MF-ICC No. ——.

(d) *Tariffs to be amended.* (1) Tariffs issued by other carriers or agents applicable in connection with that part of the line taken over or operated in part by another carrier shall be amended on statutory notice in the regular way, that is, by the next supplement or revised page filed, to incorporate necessary changes. Such supplement or revised page shall also contain a provision in the following form:

> (Name and trade name, if any, of the adopting carrier) by its adoption notice MF-ICC No. ——, having taken over tariffs, etc., of (name and trade name, if any, of the old carrier) insofar as they contain rates, charges, rules, and other provisions applying (here describe the operations transferred), (name and trade name, if any, of the adopting carrier) is hereby substituted for (name and trade name, if any, of the old carrier) wherever the latter appears in this tariff in connection with said points, routes, or territory.

(2) Rates, rules, and other provisions applying locally between points on the transferred portion shall be transferred as quickly as possible to tariffs of the adopting carrier. The former carrier shall cancel such rates, rules, and other provisions from its tariffs on statutory notice and shall refer by MF-ICC number to the tariffs of the adopting carrier for rates to apply thereafter. The adopting carrier shall publish, file, and post corresponding rates, rules, and other provisions on statutory notice to become effective upon the date upon which the cancellation of the former carrier's rates, rules, and other provisions becomes effective.

(3) If, after the transfer of operations, any point will be served by both the former carrier and by the adopting carrier, a statement shall be shown in connection with the name of that point reading substantially as follows:

> This adoption notice does not have the effect of eliminating ———————— as a point served by (name and trade name, if any, of the original carrier), but has the effect of establishing service at said point by (name and trade name, if any, of the adopting carrier).

(e) *Receiver, et cetera, must file adoption notice and supplements.* Adoption notices and supplements similar to those prescribed in paragraphs (a) and (c) of this section shall immediately be filed and posted by a receiver, trustee, executor, administrator, assignee, or lessee when he assumes possession and operating control of a carrier's lines, either in whole or in part. Adoption notices bearing MF-I.C.C. numbers (not standard ICC designations) shall be consecutively numbered in the MF-I.C.C. series of the adopted carrier. Adoption notices bearing standard ICC designations (not MF-I.C.C. numbers) shall be designated in the ICC numbering system of the adopted carrier. Adoption supplements shall be consecutively numbered. Each adoption notice and supplement shall show the names of the receivers, trustees, executors, administrators, assignees, or lessees on the title page in connection with the former carrier's name. When such possession and operating control are terminated, the carrier taking over the properties shall file an adoption notice and if a change in the name of the carrier has been made, shall also file supplements as prescribed in paragraphs (a) and (c) of this section.

(f) *Adoption notice effective date.* (1) Notices of adoption shall be filed and posted immediately and if possible on or before the date shown therein. Copies shall be sent to each agent or carrier to which power of attorney or concurrence has been given by the adopted carrier. The effective date shall be the date (as shown in the body of the notice) on which the change in name or operation occurs, except that if prior approval of such change by the Interstate Commerce Commission is required, the effective date shown shall not antedate that approval.

(2) Concurrences and powers of attorney adopted by a carrier, receiver, trustee, executor, administrator, assignee, or lessee shall, within 120 days, be replaced and superseded by new concurrences and powers of attorney issued by and numbered in the series of the adopting carrier, receiver, trustee, executor, administrator, assignee, or lessee, except that receivers, trustees, executors, administrators, assignees, or lessees may continue concurrences and powers of attorney in the same series of numbers. The cancellation references to the former concurrence or power of attorney shall include the name of the former issuing carrier. Powers of attorney and concurrences which will not be replaced by new issues shall be regularly revoked on the notice and in the manner prescribed by §§ 1307.46(n) and 1307.47(d).

(3) Adoption notices and special supplements issued under the authority of this section shall contain no other matter.

(g) *Temporary control.* (1) When temporary authority to take over the operating control of all or a portion of the operations of a carrier is granted pursuant to the provisions of section 210a(b) of Part II of the Interstate Commerce Act, as amended, the new carrier that assumes temporary control of the operations of the old carrier shall comply with the provisions of paragraphs (a), (b), (c), (d), and (f) of this section except that the new carrier is not required to reissue the adopted concurrences and powers of attorney during the period of temporary control of the operations of the old carrier.

(2) If the temporary authority to assume operating control of the old carrier is not made permanent, the old carrier must file an adoption notice reassuming control of the operations and otherwise comply with all of the provisions of this section. The effective date to be shown on the adoption notice and adoption supplements is the date on which the temporary authority for the new carrier to operate

the properties of the old carrier expires or is vacated.

(Sec. 310a, 5 U.S.C. 553, 558; 49 U.S.C. 5, 6, 12, 20, 319, 904, 906, 1003, 1005, 1013; sec. 12, 24 Stat. 383 as amended, secs. 5, 6, 12, 24 Stat. 380 as amended, sec. 20, 24 Stat. 386 as amended; 49 Stat. 560, 563, as amended; sec. 210a, 52 Stat. 1237, as amended; secs. 304, 306, 54 Stat. 933, 935; secs. 403, 405, 413, 56 Stat. 285, 287, 295; 80 Stat. 378)

[32 FR 20580, Dec. 20, 1967, as amended at 43 FR 8542, Mar. 2, 1978]

1307.44 Filing and posting tariffs.

(a) *Filing tariffs.* Tariffs and supplements thereto shall be filed by the proper officer or duly authorized agent of the carrier. When filed by an officer, the concurrence, and when filed by an agent, the power of attorney of every carrier participating therein shall be on file with the Commission or accompany the tariff or supplement. Tariffs shall be filed by the issuing carrier or agent, and such filing will constitute filing for all carriers parties thereto. An agent duly authorized to act for carriers shall file tariffs under his own MF-ICC serial numbers.

(b) *Avoid conflict between tariffs.* A carrier that grants authority to an agent or to another carrier to publish and file certain of its rates shall not in its own issues publish rates which duplicate or conflict with those which are published by such authorized agent or other carrier.

(c) *Explanation of missing numbers or letters required.* Tariffs, bearing MF-ICC numbers (not standard ICC designations), and supplements are required to be numbered consecutively, and tariffs bearing standard ICC designations (not MF-I.C.C. numbers) (see § 1307.50—ICC Numbering Systems) are required to have alphabetical suffixes to the ICC designations when the tariffs are reissues of prior tariffs bearing standard ICC designations. If, for any reason, this is not done, the tariff or supplement which is not numbered or lettered in sequence with the publication last filed must be accompanied by a memorandum explaining why consecutive numbers or letters were not used.

(d) *Letter of transmittal.* (1) All tariffs and supplements filed with the Commission shall be accompanied by a letter of transmittal of one sheet 8 by 10½ inches in size, in form substantially as follows:

____
(Name of carrier or agent in full)

____
(Post office address)
————————, 19—.

Transmittal No. ———

To THE INTERSTATE COMMERCE COMMISSION,
WASHINGTON, D.C. 20423:

Accompanying publication is sent you for filing in compliance with the requirements of Part II of the Interstate Commerce Act, issued by ———————— and bearing MF-ICC No. ——; or Supp. No. —— to MF-ICC No. ——; or revised page to MF-ICC No. ——; effective ——, 19—; and is concurred in by all carriers named therein as participants under continuing concurrences or powers of attorney now on file with the Interstate Commerce Commission, except the following-named carriers, whose authorities are attached hereto:

____

____

____

____
(Signature)

____
(Title)

(2) A separate letter may accompany each publication or the form may be modified to provide for filing with one letter as many publications as can be conveniently listed.

(3) If receipt for the accompanying publications is desired, letters of transmittal must be sent in duplicate, and one copy showing the date of receipt by the Commission will be returned to the sender.

(4) When a tariff, supplement or loose leaf amendment containing rates on household goods as defined in 49 CFR 1056.1(a) is published for the account of household goods carriers as defined in 49 CFR 1040.2(b) on not less than 45 days' notice, the letter shall bear the following notation:

This tariff (or supplement or loose leaf amendment) is published on not less than

45 days' notice within the meaning of 49 CFR 1100.40 (b), (f), and (h), and 49 CFR 1100.200 (c) and (d).

(e) *Number of copies.* (1) Except as provided in the paragraph (e)(2) of this section, carriers and agents shall transmit to the Commission three copies of each tariff, supplement, revised page, classification, or other publication to be filed, all copies to be included in one package and under one letter of transmittal. A separate letter of transmittal shall be included for each joint agent.

(2) Eighteen copies of the following publications shall be transmitted: publications governing other tariffs, authorized in § 1307.37, containing exclusively classification ratings, or exceptions thereto, rules and other provisions of general application.

(3) No tariff, revised page, or supplement will be received by the Commission unless it is delivered to it free from all charges, including claims for postage.

(4) Tariffs sent for filing shall be addressed:

Interstate Commerce Commission,
Washington, D.C. 20423.

(5) Tariff publications received for filing will not be returned unless rejected because of failure to give lawful notice of changes, or for other valid reason.

(f) *Statutory notice must be shown unless otherwise authorized.* (1) Part II of the Interstate Commerce Act requires that all changes in rates or charges, or in rules or other provisions that affect rates, shall be filed with the Commission at least 30 days before the date upon which they are to become effective unless otherwise authorized by the Commission. Manifestly it is impossible for the Commission to check the items in tariffs to determine whether or not statutory notice has been given. Therefore, except as otherwise authorized by the Commission, 30 days' notice to the public and to the Commission must be given as to every tariff publication filed with the Commission, regardless of whether or not changes are effected thereby.

(2) Rates, charges, rules, or other provisions which have been filed with the Commission must be allowed to become effective and remain in effect for a period of at least 30 days before being changed, canceled, or withdrawn, unless otherwise authorized by the Commission.

(g) *Filing of tariffs with Commission does not relieve carriers from liability for violation of act or regulations thereunder.* (1) The law affirmatively imposes upon each carrier the duty of filing with the Commission and posting for public inspection all of its tariffs and amendments thereto in the manner prescribed in the law and in regulations promulgated by the Commission. A penalty is provided for failure to do so, or for using any rate which is not contained in its lawfully published and filed tariffs. The receipt and acceptance for filing of a tariff or supplement by the Commission does not relieve carriers from liability for violation of the act or of regulations issued thereunder.

(2) All rates used in making combination through rates for interstate shipments, including rates between points in one State, must be filed with the Commission and posted for public inspection and they can be changed as to such traffic only in accordance with the provisions of Part II of the Interstate Commerce Act, and as amended.

(h) *Posting of Tariffs.* (1) Except as provided herein, each carrier by motor vehicle subject to the provisions of section 217 of Part II of the Interstate Commerce Act, and as amended, shall post and file at each of its stations or offices which is in charge of a person employed exclusively by the carrier or by it jointly with another carrier and at which freight is received for transportation all of the tariffs containing rates, charges, classifications, and rules or other provisions applying from, or at, such station or office.

(2) Except as provided herein, each of such carriers shall also maintain at its principal or general office a complete file of all tariffs issued by it or by its agents, including those tariffs in which it concurs.

(3) Carriers operating only as pick-up carriers within the pick-up area at point of origin and carriers operating only as delivery carriers within the delivery area at point of destination who are shown as participating carriers in the tariffs naming rates from, to, or

between such points will not be required to post such tariffs, provided the line-haul carrier with whom they interchange traffic maintains a terminal at the pick-up or delivery point, as the case may be, and posts such tariffs in accordance with this section.

(4) The granting of authority to issue tariffs under powers of attorney or concurrences does not relieve the carriers conferring the authority from the necessity of complying with the Commission's regulations with regard to posting tariffs. Tariffs issued under such authority must be posted as required by the regulations in this paragraph.

(5) Each file of tariffs shall be kept in complete and accessible form. Employees of the carrier shall be required to give any desired information contained in such tariffs, to lend assistance to seekers of information therefrom, and to afford inquirers opportunity to examine any of such tariffs without requiring the inquirer to assign any reason for such desire.

(i) *Rejection of tariffs and notices of revocation.* (1) Any tariff or schedule, tendered for filing, which fails to give lawful notice of changes in rates, charges or other provisions which it proposes to establish, or which fails to meet the requirements of the regulations contained in this chapter, or violates any order of the Commission or of a court, is subject to rejection by the Commission. When a tariff or schedule is rejected, the Commission, acting through a designated administrative officer, will inform the carrier or the agent who tendered it for filing, in writing, of the reasons for rejection, and will return the rejected tariff or schedule to such carrier or agent.

(2) The number assigned to a tariff or schedule which has been rejected may not again be used. The rejected tariff or schedule may not be referred to in any subsequent tariff or schedule as having been canceled, amended or withdrawn, but the tariff or schedule which is published in its stead must bear the following notation: "Issued in lieu of (here identify the rejected schedule or tariff), rejected by the Commission."

(3) A notice of the revocation, complete or partial of a concurrence or power of attorney which, if it were to become effective, would require the establishment of rates, fares, or charges in violation of an order of the Commission or of a court, or of the regulations in this chapter, may be rejected in the same manner as a tariff or schedule, and any such notice of revocation which would require the establishment of rates, fares, or charges of doubtful lawfulness may be suspended.

(Sec. 310a, 5 U.S.C. 553, 558; 49 U.S.C. 5, 6, 12, 20, 319, 904, 906, 1003, 1005, 1013; sec. 12, 24 Stat. 383 as amended, secs. 5, 6, 12, 24 Stat. 380 as amended, sec. 20, 24 Stat. 386 as amended; 49 Stat. 560, 563, as amended; sec. 210a, 52 Stat. 1237, as amended; secs. 304, 306, 54 Stat. 993, 935; secs. 403, 405, 413, 56 Stat. 285, 287, 295; 80 Stat. 378)

[32 FR 20580, Dec. 20, 1967, as amended at 42 FR 42690, Aug. 24, 1977; 43 FR 8542, Mar. 2, 1978]

§ 1307.45 Applications for special permission.

(a) *Rates changed on less than statutory notice.* Part II of the Interstate Commerce Act, as amended, authorizes the Commission in its discretion and for good cause shown to permit changes in rates on less than statutory notice, and also to permit departure from the Commission's regulations. The Commission will exercise this authority only in cases where actual emergency and real merit are shown. Desire to meet the rates of a competing carrier that has given statutory notice of change in rates will not of itself be regarded as good cause for permitting changes in rates or other provisions on less than statutory notice. Clerical or typographical errors in tariffs constitute good cause for the exercise of this authority, but every application based thereon must plainly specify the error together with a full statement of the attending circumstances and must be presented with reasonable promptness after issuance of the defective tariff, supplement or revised page.

(b) *Permission will not issue to modify formal orders.* When a formal order of the Commission requires publication on a stated number of days' notice, a request for authority to file on less notice will not be granted. In any such instance a petition for modification of the order should be filed on the formal docket.

(c) *Applications must be by carrier or agent authorized to file tariff.* Applications for permission to establish rates, rules, or other provisions on less than statutory notice, or for waiver of the provisions of Subpart B must be made by the carrier or agent that holds authority to file the proposed publication. If the application requests permission to make changes in joint tariffs, it must state that it is filed for and on behalf of all carriers parties to the proposed change.

(d) *Number of copies.* (1) Two copies of applications (including amendments thereto and exhibits made a part thereof) shall be sent to the Interstate Commerce Commission, Washington, D.C. 20423. One additional exact copy shall be sent to the office of the district director of the district in which the main office of the applicant carrier or publishing agent is located. One additional exact copy, also, shall be furnished each director of the district in which is located the main office of each of the particular carriers for whom such application is filed. The application shall indicate that the copies required by this section are furnished the district offices interested and shall show the offices to which such copies are furnished.

(2) Application shall be made on paper 8 by 10½ inches, shall be in substantially the form shown hereinbelow, and shall give all the information required by this section together with any other pertinent facts. They shall be numbered consecutively and must bear the signature of the carrier or its agent or officer, specifying title.

(Address)

(Date)

To the Interstate Commerce Commission,
Washington, D.C. 20423.

Application No. ——.

(Name of carrier)

by

(Name of officer, specifying title)

for and on behalf of all carriers parties to its Tariff MF-ICC No. ——,[1] does hereby petition the Interstate Commerce Commission that he (it) be permitted, under section 217 of the Interstate Commerce Act and as amended to put in force the following tariff provisions to become effective —— days after the filing thereof with the Interstate Commerce Commission:

(Here show matter as directed by paragraph (e)(1) of this section.)

Your petitioner further represents that the said: [state whether rates, charges, classification ratings, or other provisions] above mentioned will be published in [here show matter as directed by paragraph (e)(2) of this section.]

1. (Here state matter as directed by paragraph (e)(3) of this section)
2. (Here state matter as directed by paragraph (e)(4) of this section)
3. (Here state fully matter as directed by paragraph (e)(5) of this section)
4. (Here show justification as directed by paragraph (e)(6) of this section)

(Name of carrier)

By

(Name and title)

Verification:[2]

The above statement was subscribed and sworn to before me this — day of ———, 19—.

(Notary public)

Copy sent to District Director
at
date ——
at
date ——
at
date ——

When the publication is made by an agent, appropriate change should be made in the introductory and closing paragraphs of this form.

(e) *Applications shall show.* Applications shall show the following information:

(1) The proposed tariff provisions shall be set forth clearly and completely. An accompanying exhibit may be used if identified by letter, such as

---

[1] If reference to tariff or tariffs does not exactly designate carrier involved, other methods of designating carriers should be employed.

[2] Only the original need be executed.

"Exhibit A," and so referred to in the application. If the proposed provisions consist of rates, all points of origin and destination must be shown or definitely indicated; if permission is sought to establish a rule, the exact wording of the proposed rule must be given.

(2) The application shall show the tariffs and MF-ICC numbers of the publications in which the proposed rates, ratings, rules, or other provisions will be published. If publication is to be made in supplements to tariffs already referred to, this fact shall be shown.

(3) The application shall set forth the rates or tariff provisions which it is desired to change. Where the matter to be shown is voluminous or for other reasons difficult of presentation, it may be included in an accompanying exhibit, properly identified and referred to in the application. Reference shall be made by MF-ICC number and supplement number to the tariffs or supplements in which rates or provisions to be superseded are published. If such provisions are published in numbered items or other units, reference shall be made thereto by number, or, if not so published, the pages of the publication on which the provisions appear shall be shown. The extent to which cancellations will be made must be definitely indicated.

(4) The application shall state the names of carriers known to maintain competitive rates, charges, classification ratings, or rules between the same points or points related thereto, together with the MF-ICC or ICC numbers of the tariffs and supplements thereto containing such provisions.

(5) The application shall state whether such carriers have been advised of the proposed rates, charges, classification ratings, or rules and whether they have been advised that it is proposed to establish such provisions on less than statutory notice. If competitive carriers have expressed their views in regard to the proposed provisions, a brief statement of their views shall be given.

(6) The application shall state the special circumstances or unusual conditions which are relied upon as justifying the requested permission together with any related facts or circumstances which may aid the Commission in determining whether the requested permission is justified. If permission to establish provisions on less than statutory notice is sought, the petitioner shall state why the proposed provisions could not have been established upon 30 days' notice.

(f) *Partial use of permission prohibited.* If the authority granted by special permission is used, it must be used in its entirety and in the manner set forth in the order of special permission. If it is not desired to use all of the authority granted and less or more extensive or different authority is desired, a new application complying with the provisions of this section in all respects and referring to the previous permission must be filed.

§ 1307.46 Powers of attorney.

(a) *Forms of powers of attorney.* (1) The following forms shall be used by a carrier to give authority to an agent to publish and file tariffs and supplements in which such carrier participates. (Existing powers of attorney which are not otherwise objectionable need not be reissued merely to comply with the prescribed form.)

(2) If common carriers by water (other than railroad owned or railroad controlled water carriers operating under the provisions of section 5(21), part I, of the Interstate Commerce Act) desire to give powers of attorney to agents authorizing the publication of joint rates with common carriers of property by motor vehicle, the forms set forth in paragraphs (b) and (c) of this section may be altered by substituting for the words "common carrier of property by motor vehicle," the words, "common carrier of property by water," or appropriate words of similar import.

(b) *Individual.* This form shall be used to authorize an individual to act as agent:

POWER OF ATTORNEY

MFXA2, No. ——
Cancels MFXA–, No. ——

————————————
(Name of carrier)

————————————
(Post office address)
————————, 19—

Know all men by this instrument:

That, on the —— day of ———— 19—, ————————, a common (See note 1 of paragraph (c)) carrier of property by motor vehicle does (do) hereby make and appoint ———————— (Name of principal agent) attorney and agent to publish and file for such carrier freight tariffs and supplements thereto, as permitted or required of common carriers of property by motor vehicle under authority of Part II of the Interstate Commerce Act, and the regulations of the Interstate Commerce Commission issued pursuant thereto, and does (do) hereby ratify and confirm all that said attorney and agent may lawfully do by virtue of the authority herein granted and does (do) hereby assume full responsibility for the acts and failures to act of said attorney and agent.

And, further, that ———————— (See Note 1 of Paragraph (c)) does (do) hereby make and appoint ———————————— alternate attorney (Name of alternate agent) and agent to do and perform the same acts and exercise the same authority herein granted to ———————— (Name of principal agent) in the event and only in the event of the death or disability of ———————————— (Name of principal agent)

————————————
(Name of carrier)

By ————————————

Attest (If a corporation):

————————————, *Secretary.*

[CORPORATE SEAL]

Duplicate mailed to ————————, *Agent.*

————————————

————————————

(c) *Corporation.* This form shall be used to authorize a corporation to act as agent:

POWER OF ATTORNEY

MFXA3, No. ——
Cancels MFXA—, No. ——

————————————
(Name of carrier)

————————————
(Post office address)
————————, 19—

Know all men by this instrument:

That, on the —— day of ————, 19—, ————————, (See note 1) a common carrier of property by motor vehicle does (do) hereby make and appoint ———————— (Name of corporation) attorney and agent to publish and file for such carrier freight tariffs and supplements thereto, as permitted or required of common carriers of property by motor vehicle under authority of Part II of the Interstate Commerce Act, and the regulations of the Interstate Commerce Commission issued pursuant thereto, and does (do) hereby ratify and confirm all that said attorney and agent may lawfully do by virtue of the authority herein granted and does (do) hereby assume full responsibility for the acts and failure to act of said attorney and agent.

————————————
(Name of carrier)

By ————————————

Attest (If a corporation):

————————————, *Secretary.*

[CORPORATE SEAL]

Duplicate mailed to ————————, *Agent.*

————————————

————————————

NOTE 1: In the blank space for the name of the carrier, there shall be shown, if the carrier be an individual, the individual name followed by the trade name, if any. If the carrier be a partnership, the correct names of all partners must be given, followed by the trade name, if any. If the carrier be a corporation, the correct corporate name must be used. (See note 2.)

NOTE 2: The power of attorney shall be signed by the individual carrier, if the carrier be an individual, and shall be signed by all of the partners individually, if a partnership. If the carrier be a corporation, the power of attorney shall be signed by the president or vice president, attested by the secretary of the corporation, and the corporate seal shall be affixed. In all cases, the name of the carrier shall be identical with the name as it appears in the certificate of convenience and necessity issued by the Commission, or, in the event that such certificate shall not have been issued, the name of the carrier shall be identical with the name appearing in the application for such certificate.

(d) Unless specifically authorized by the Commission, an official or an employee of a corporation may not act as agent when such corporation acts as agent.

(e) *Corporation, as agent.* (1) A corporation, duly authorized and acting as an attorney and agent, shall issue tariffs in the name of the corporation as agent. At the bottom of the title page of each publication filed by the corporation as agent shall be shown the name and title of the official of the corporation who has been appointed by such corporation to issue tariffs and file them with the Commission.

(2) A corporation acting as a publishing agent under powers of attorney shall forward to the Commission a certified minute of the meeting of the board of directors of such corporation showing the name and title of the official who has been appointed to handle all tariff matters with the Commission.

(f) *Authority conferred.* (1) Powers of attorney authorized by this section, if executed without modification, confer unlimited authority to publish local rates for the carrier issuing the power of attorney and to publish joint rates for such carrier and such other carriers as shall have issued the necessary authority. If it is desired to limit the authority granted to the agent, the form may be modified by adding at the end of the first paragraph the statement: "This authority is restricted to the filing of the publications or types of publications set forth below," and by clearly stating immediately thereafter the extent of the authority granted. The instrument may limit the authority of the agent to publication of rates from points on the carrier's lines only, or to points on its lines only, or may limit the authority granted to publication of either local or joint rates. The authority granted may be restricted, also, to publication of either class or commodity rates, but it may not be limited to publication of rates on a particular commodity or commodities or to publication of specifically named rates.

(2) If it is desired to give to an agent authority for the publication of a classification, a classification exceptions tariff, or a rules tariff, only, the form may be modified by omitting from line six the words "freight tariffs" and substituting therefore the word or words, "classification," classification exceptions tariffs" or "rules tariffs," or the instrument may be so modified as to authorize the publication of any or all of such tariffs, including rate tariffs. If it is desired to limit the authority granted to publication of a particular tariff or tariffs, this may be done by giving a sufficiently accurate description of the title page of each tariff to identify it and by showing the MF-ICC number, if known. If it is intended that the authority granted shall include supplements to or reissues of specifically named tariffs, that fact should be made clear by adding after the designation of the tariff, "supplements thereto and successive issues thereof."

(g) *Specifications for powers of attorney.* Powers of attorney shall be printed on good paper of durable quality, 8 by 10½ inches in size, and shall be signed as indicated in note 2, paragraph (c) of this section. Each power of attorney shall be given a form and serial number which shall run consecutively for each form of instrument. The form and serial numbers shall be shown on the upper right-hand corner and immediately thereunder shall be shown the form and number of the power of attorney, if any, which is canceled thereby. If the instrument to be canceled contains more authority or is broader in scope than the new instrument, such new instrument must bear an effective date at least 60 days after the date on which it is received by the Commission. When the new instrument is broader in scope than the instrument which is to be canceled, no notice is required. The term "freight tariff" as used in this section means not only rate tariffs but all other freight publications which in any way affect the value of the service or the measure of the charge. Each instrument shall show, under the serial number, the post-office address of the person or persons issuing it and the date of issue. The instrument shall show, also, in the lower left-hand corner, the name, title, and address of the person or corporation to whom the duplicate is sent.

(h) *Number of copies.* All instruments must be prepared in triplicate. Except when there is specific instruction in individual rules to send originals to an agent, the original of the instrument shall be filed with the Commission, the duplicate sent to the agent to whom such authorization is directed, and the third copy retained by the issuing carrier.

(i) *Conflicting authority to be avoided.* Powers of attorney may not contain authority to delegate to another the power thereby conferred. In giving authority to an agent to publish and file rates for the carrier by whom such authority is issued, care must be taken to avoid duplicating to two or more agents authority which, if used, would result in conflicting rates or other provisions.

(j) *Filing by alternate agent.* When a power of attorney is issued to an individual to act as agent, such instrument shall name an alternate agent to act in the event of the death or disability of the principal agent. On or before the date of filing of the first tariff or supplement by the alternate agent under the authority granted in the instrument, such alternate agent shall submit to the Commission a sworn statement setting forth the facts which justify such exercise of authority. The term "disability" as used in the instrument means resignation, permanent transfer to other duties, or other permanent absence of the principal agent, and does not mean temporary absence of the principal caused by vacation, illness, or other similar causes. After an alternate agent has once exercised the authority granted by the instrument, the principal agent may not thereafter act under that instrument.

(k) *Transfer of authority from one agent to another agent.* (1) When it is desired to transfer authority from one agent to another agent, superseding the former agent as to all such agent's effective tariffs, the transfer shall be accomplished by filing a new power of attorney naming the agent (and alternate when the new agent is an individual) thereafter to serve, which shall specifically cancel the previous power of attorney. Under all other conditions the power of attorney must be revoked in accordance with paragraph (n) of this section.

(2) When a power of attorney shall have been issued to an individual and an alternate, and the death or disability of either the principal or alternate agent occurs, new powers of attorney canceling the previously effective powers of attorney and naming the agent (and alternate when the new agent is an individual) thereafter to serve shall be filed within 180 days. The new powers of attorney shall bear no effective date. The originals thereof shall not be sent direct to the Commission, but shall be forwarded to the new agent, who, after all the necessary instruments shall have been secured, shall file the originals with the Commission all at one time. Such powers of attorney will become effective upon the date they are received by the Commission.

(l) [Reserved]

(m) *Substitution of agents.* (1) When a new agent is appointed, or when an alternate agent assumes the duties of the principal agent, the new agent, immediately upon receipt of necessary authority, or the alternate agent, upon death or disability of his principal, shall issue a supplement to each of the effective tariffs issued by the agent superseded, which shall bear on its title page no effective date, but which shall contain a statement reading substantially as follows: "On and after [show here, in the case of a new agent, the date on which authorities are filed with this Commission; or in the case of an alternate agent, the date on which the principal ceased to act] this publication shall be considered as the issue of [show here name of new agent or the alternate acting as such]." In the case of a new agent, such supplement shall also contain a list of participating carriers, giving reference to the new authorities. If tariffs issued by the new agent will be numbered in a different MF-ICC series from those of the former agent, supplements filed by the new agent to tariffs issued by the former agent shall show in connection with MF-ICC numbers, that they are in the series of the former agent.

(2) When an agent who is superseded by a new agent or alternate participates with other agents in the issuance of a joint agency tariff, a special supplement for the purpose of indicating the change need not be issued unless the agent superseded actually issues the tariff, but the information with respect to the change in agents and the list of carriers showing current powers of attorney shall be included in the next regular supplement issued.

(n) *Revocation of power of attorney.* A power of attorney may be revoked upon not less than 60 days' notice to the Commission by filing a notice of revocation with the Commission, serving at the same time a copy thereof on the agent in whose favor such power of attorney was executed. Such notice shall not bear a separate serial number, but shall specify the form and number of the power of attorney to be revoked, shall name the agent (and alternate agent when form MFXA2 is being revoked) in whose favor the power of attorney was executed, shall specify a date upon which revocation is to become effective, which must not be less than 60 days subsequent to the date of its receipt by the Commission, and shall be executed in the following manner on paper of good quality, size 8 by 10½ inches:

REVOCATION NOTICE

————————
(Name of carrier)

————————
(Post office address)
————————, 19—.

Know All Men by This Instrument:

Effective ————————, 19—, power of attorney MFXA-, No. ——, issued by (Name of carrier) ———— in favor of (Name of agent and of alternate, if any) ———————————— is hereby canceled and revoked.

————————
(Name of carrier)

By ————————
Attest (if a corporation):
————————, *Secretary*

[CORPORATE SEAL]

Duplicate mailed to

————————
(Name of Agent)

————————
(Address)

————————
(Date)

§ 1307.47 Concurrences.

(a) *Forms of concurrences.* The following forms shall be used in giving to carriers subject to Subpart B concurrences in tariffs which are issued and filed by such carriers or their agents and in which the carriers giving concurrences are participants. The provisions of § 1307.46 (g) and (h) will apply also to concurrences. If two or more carriers execute powers of attorney authorizing an agent to publish joint rates for them, it will not be necessary for those carriers to exchange concurrences with each other as to the joint tariffs issued by that agent under that authority.

(b) *Specific.* Form MFXC2 shall be used in giving concurrence in a particular tariff that is issued and filed by another carrier. The original of form MFXC2 shall be forwarded to the carrier issuing the tariff and shall by such carrier be transmitted to the Commission with the tariff. This form when not restricted will serve as continuing evidence of participation in the tariff described in the concurrence and in all supplements to and successive issues thereof. If reference to successive issues be stricken out a new concurrence will be required for each successive issue of the tariff. Except as provided above, this form shall not be qualified in any way but must evidence concurrence in all rates, rules or other provisions contained in the tariff publication named therein.

CONCURRENCE

MFXC2, No. ——
Cancels MFXC-, No. ——

____
(Name of carrier)

____
(Post office address)

______________________, 19—.

TO THE INTERSTATE COMMERCE COMMISSION,
WASHINGTON, D.C. 20423.

This is to certify that [show name of carrier giving concurrence; see note 1, to § 1307.46(c)] assents to and concurs in the publication and filing of the freight tariff described below, filed by [show name of carrier to whom concurrence is given], together with supplements thereto and successive issues thereof, and that such concurring carrier hereby makes itself a party thereto and bound thereby, insofar as such tariff applies between points on the lines or routes of [show name of carrier to whom concurrence is given], on the one hand, and points on the lines or routes of [show name of carrier giving concurrence], on the other; or rates in connection with which [show name of carrier giving concurrence] acts as an intermediate carrier between points on the lines or routes of [show name of carrier to whom concurrence is given] on the one hand, and points on the lines or routes of other carriers parties to such tariff, on the other, until this authority is revoked by formal and official notice of revocation filed with the Interstate Commerce Commission and sent to the carrier to which this concurrence is given. (Here give an exact description of the title page of the tariff, including the name of the issuing carrier, the MF-ICC number, and dates on which issued and effective). Issued by (name and title of officer shown as issuing tariff.)

____
(Name of carrier)

By ______________________

Attest (if a corporation):

______________________, *Secretary.*

[CORPORATE SEAL]

(c) *General.* If general concurrence be given by a carrier in tariffs issued by another carrier or its agent, naming rates from or to points on its lines or over its lines, form MFXC3 shall be used. Form MFXC3 may be executed as shown, when it will authorize publication of rates for the concurring carrier from and to points served by such carrier as well as from and to points served by other carriers where the concurring carrier acts as intermediate line. If it is desired to limit the authority granted to exclude publication of rates in connection with which the concurring carrier would act as either origin, intermediate, or destination line, the form may be modified to that extent by substituting the words "from—to" for the words "between—and" or by use of other appropriate language to effect the modification authorized. When authority is given an agent to publish rates for a carrier participating under authority of a concurrence to another carrier for whom such agent acts, care must be exercised that the rates published for the concurring carrier do not exceed the scope of the authority given.

CONCURRENCE

MFXC3, No. ——
Cancels MFXC—, No. ——

____
(Name of carrier)

____
(Post office address)

______________________ 19 —.

TO THE INTERSTATE COMMERCE COMMISSION,

WASHINGTON, D.C. 20423.

This is to certify that [show name of carrier giving concurrence; see note 1 to § 287.46(c)] assents to and concurs in the publication and filing of any freight tariff or supplement thereto, which [show name of carrier to whom concurrence is given] or such carrier's agent may publish and file, and in which the said [show name of concurring carrier] is shown as a participating carrier, and that such concurring carrier hereby makes itself a party thereto and bound thereby insofar as such tariff applies between points on the lines or routes of [show name of carrier to whom concurrence is given], on the one hand, and points on the lines or routes of [show name of carrier giving concurrence], on the other; or rates in connection with which [show name of carrier giving concurrence] acts as an intermediate carrier between points on the lines or routes of [show name of carrier to whom concurrence is given], on the one hand, and points on the lines or routes of other carriers parties, to such tariff, on the other, until this authority is revoked by formal and official notice of revocation filed with the Interstate Commerce Commission and sent to the carrier to which this concurrence is given.

____
(Name of carrier)

By ______________________

Attest (if a corporation):

______________________, *Secretary.*

[CORPORATE SEAL]

Duplicate mailed to ______________ at ______________

(Show complete address)

(d) *Revocation of concurrence.* A concurrence may be revoked upon not less than 60 days' notice to the Commission by filing a notice of revocation with the Commission, serving at the same time a copy thereof on the carrier to which such concurrence was given. Such notice shall not bear a separate serial number, but shall specify the form and number of the concurrence to be revoked, shall name the carrier in whose favor issued, and shall specify a date upon which revocation is to become effective, which must not be less than 60 days subsequent to the date of its receipt by the Commission. The revocation notice shall be as follows:

REVOCATION NOTICE

____
(Name of carrier)

____
(Post office address)

______________________, 19—.

To THE INTERSTATE COMMERCE COMMISSION,
WASHINGTON, D.C. 20423

Effective ______________, 19—, concurrence form MFXC—, No. ——, issued by ______________ (Name of carrier) in favor of (Name of carrier to whom issued) ______________ is hereby canceled and revoked.

____
(Name of carrier)

By ______________________

Attest (if a corporation):

______________________, *Secretary.*

[CORPORATE SEAL]

Duplicate mailed to:

____
(Name and title of officer)

____
(Name of carrier)

____
(Address)

(e) *Revision of tariffs when authority revoked.* When a power of attorney or concurrence is revoked, corresponding revision of the tariff or tariffs should be made effective upon statutory notice not later than the effective date stated in the notice of revocation. In the event of failure to so revise the applicable tariff or tariffs, the rates in such tariff or tariffs remain applicable until lawfully canceled.

(f) *Conflicting authority to be avoided.* In giving concurrences care must be taken to avoid duplicating authority to two or more carriers which, if used, would result in conflicting rates or rules.

§ 1307.48 Transmission of publications to subscribers.

(a) Except as otherwise authorized in paragraphs (b) and (d) of this section, one copy of each new tariff, supplement, and loose-leaf page must be transmitted to each subscriber thereto by first-class mail (or other means requested in writing by subscriber) not later than the time the copies for official filing are transmitted to the Commission. The letter of transmittal accompanying the copies to the Commission must contain the following certification:

> I hereby certify that I have on or before this day sent one copy of each publication listed hereon to each subscriber thereto by first-class mail, or by other means of transmission agreed upon in writing by the subscriber.

____
Signature of person transmitting publication(s)

____
Date

(b) If a new tariff or supplement is filed which in its entirety is published under an authority from this Commission to publish and file without notice or on notice of less than ten days, or, if a new loose-leaf page is filed which contains a provision published under an authority from this Commission to publish and file without notice or on notice of less than ten days, paragraph (a) of this section need not be complied with as to such publication if it cannot be or compliance would cause excessive delay, but one copy of such publication must be transmitted to each subscriber thereto by first-class mail (or other means requested in writing by subscriber) within five calendar days, starting with the calendar day following that on which the copies for official filing are transmitted to the Commission, and the letter of transmittal to the Commission must contain the following certification:

> I hereby certify that I will within five calendar days after today send one copy of each publication listed hereon to each subscriber thereto by first-class mail, or by other means of transmission agreed upon in writing by the subscriber.

____

Signature of person transmitting publication(s)

____

Date

Included in this exception are supplements issued for the purpose of announcing suspensions made by the Commission, publications (published in the name of a carrier only) announcing adoptions, and publications containing only rates or provisions covering emergency transportation authorized by this Commission under section 210a(a) of the Interstate Commerce Act.

(c) When copies of different publications are transmitted to the Commission at the same time, some copies of which have been transmitted to subscribers in compliance with paragraph (a) of this section and some copies of which will be transmitted to subscribers in compliance with paragraph (b) of this section, two letters of transmittal must accompany the copies to the Commission, one complying with paragraph (a) of this section and the other complying with paragraph (b) of this section.

(d) If there are no subscribers to any publication listed on a letter of transmittal accompanying the copies for official filing to the Commission, the letter of transmittal must contain the following certification:

> I hereby certify that there are no subscribers to the publication(s) listed hereon.

____

Signature of person transmitting publication(s)

____

Date

If copies of different publications are transmitted to the Commission at the same time, some of which are subscribed to and some of which are not, only the provisions of paragraphs (a) or (b) of this section, or both, as the case may be, need be complied with.

(e) Expedited service (when transmitting one copy of each publication) must be provided to each subscriber requesting it. The cost of this service may be passed on to the subscriber.

(f) Carriers and agents shall furnish without delay one copy of any of their tariff publications, effective or published but not yet effective, to any person upon reasonable request therefor at a reasonable charge not to exceed that assessed a subscriber.

(g) As used herein, the term "subscriber" means a party who voluntarily or upon reasonable request is furnished at least one copy of a particular tariff and amendments thereto (including reissues thereof) by the publishing carrier or agent. The term does not, however, pertain to requests for a copy or copies of a tariff without a request for future amendments thereto.

[40 FR 7657, Feb. 21, 1975, as amended at 40 FR 25678, June 18, 1975]

§ 1307.49 Export and import traffic—ocean carriers.

(a) *Ocean carriers not subject to Act.* Common carriers by water, or conferences of such carriers, engaged in the foreign commerce of the United States, as defined in the Shipping Act, 1916, that operate between ports of the United States and foreign countries are not subject to the terms of the Interstate Commerce Act or to the jurisdiction of the Interstate Commerce Commission.

(b) *Through routes and joint rates.* (1) A common carrier by motor vehicle jointly with a common carrier by water, subject to the Interstate Commerce Act (hereinafter referred to in this section as the domestic carrier), may establish a through route and joint rate with a vessel-operating common carrier by water engaged in the foreign commerce of the United States (hereinafter referred to in this section as the ocean carrier), as defined in the Shipping Act, 1916, for the transportation of property between any place in the United States and any place in a foreign country. Every tariff naming such a through route and joint rate shall be filed with this Commission. The tariff may be filed in the name of the ocean carrier, a conference of ocean carriers, the domestic carrier or the duly appointed tariff publishing agent of such carriers.

(2) The tariff shall be constructed, filed, and posted in conformity with the Interstate Commerce Act, and, except as otherwise specifically authorized, with the regulations in Subpart B of Part 1307 (Tariff Circular MF No. 3) of this chapter. The tariff shall be printed in the English language, include the names of all participating carriers, a description of the services to be performed by each participating carrier, a statement of the joint rate, and a clear and definite statement of the division, rate, or charge to be received by the domestic carrier for its share of the revenue covering a through shipment or aggregate of shipments under the tariff. The division, rate, or charge accruing to the domestic carrier must be shown in terms of lawful money of the United States. If shipments and/or loaded containers are to be permitted to be aggregated which are rated under more than one tariff published by the carrier or for its account, each tariff so affected must contain a specific rule, providing for the aggregation in connection with the statement of the domestic carrier's divisions and identifying by ICC designation each of the other tariffs. A tariff filed in the name of a conference need not show "Agent" after the name of the conference unless the conference publishes as an agent. If a tariff provides less-than-truckload, less-than-container-load, or less-than-trailerload service, such service must be defined. If the tariff provides containerload rates, such rates must be made subject to a specified minimum weight or minimum measure per container, or a specified minimum charge per shipment per container, and a maximum weight per container. Where the freight is to be packed (loaded) or unpacked (unloaded) into or from the containers by the domestic carrier, the tariff must clearly state that the joint rate includes this service or must provide a separate charge to apply when said service is provided.

(3) Rates or charges may be stated to apply in a unit other than a United States unit provided the unit is defined in the tariff where used. The International System of Units (SI) (the metric system) may be used and need not be defined. A rate or charge applying on a unit of measurement other than weight may be published, but if the tariff also includes a rate or charge applying on a unit of weight on the same traffic, the charges on the weight basis must alternate with the charges on the measurement basis other than weight. In every case the tariff shall provide a definite method for determining the measurement of the shipment and the applicable charges. "Cargo, N.O.S." may be provided as a commodity description provided the term is clearly defined in the tariff where used. Tariffs governing the application of the rate tariff need not show a carrier as a participant when none of the provisions therein apply for such carrier's account.

(4) Allowances, cargo administrative charges, or reductions shall not be provided for payment to shippers or other parties for services performed by or facilities furnished by other than the carriers parties to the through transportation unless (i) such carriers by tariff publication hold themselves out to perform such services and furnish such facilities, (ii) such carriers are able to perform such services and furnish such facilities upon reasonable demand, and (iii) the performance of such services and furnishing of such facilities are included in the through

joint rate or charge. This subparagraph does not apply where such provisions do not affect the division, rate, or charge accruing to the domestic carrier or the services performed by such carrier.

(5) A domestic carrier desiring to become a participant in a tariff filed in the name of a conference of ocean carriers, which conference does not publish as an agent, must give to its connecting ocean carrier participating in such conference tariffs a concurrence in tariffs issued and filed by the ocean carrier or the conference, or both. A limited concurrence may provide for only those limitations authorized in § 1307.47(c) of this chapter. The concurrence forms prescribed by § 1307.47(c) shall be modified to show that the authority extends to amendments to the tariff(s) and extends to tariffs filed in the name of the conference, and to show the types of tariffs (such as tariffs containing joint motor-ocean rates, et cetera) in which the domestic carrier desires to participate. Powers of attorney must not be executed unless the conference publishes as an agent.

(6) The following changes may be published to become effective upon a specified date not prior to the date filed with the Commission in Washington, D.C., provided the division, rate, or charge accruing to the domestic carrier or a provision governing or affecting such division, rate, or charge does not change.

(i) A change in a published rate, charge, rule, regulation, or other provision which results in reduction or in no change in charges. This includes a change in a rate or charge which results in lessening or canceling a proposed (published but not yet effective) increase.

(ii) The establishment of a rate on a specific commodity not previously named in a tariff which results in a reduction or in no change in charges. The tariff must contain a cargo, N.O.S. rate or similar general cargo rate, which rate would otherwise be applicable to the specific commodity. The specific commodity rate must be equal to or lower than the cargo, N.O.S. or general cargo rate.

(iii) Except as otherwise provided in this subparagraph, no new or initial rate, charge, rule, regulation, or other provision and no new point of origin or destination may be published upon less than 30 days' notice. In no case may the establishment of or a change in a division, rate, or charge accruing to the domestic carrier or a provision governing or affecting such division, rate, or charge become effective upon less than 30 days' notice.

(7) If a tariff includes charges for terminal services, canal tolls, or additional charges not under the control of the carrier or conference, which carrier merely acts as a collection agent for the charges, and the agency making such charges to the carrier increases the charges without notice or without adequate notice to the carrier or conference, such charges may be increased in the tariff by specific publication effective upon a specified date not prior to the date filed with the Commission, in Washington, D.C., whether included in the joint rate or separately stated. If the change occurs in the division, rate, or charge accruing to the domestic carrier, the amendment must contain a statement explaining the charge.

(8) Every change made under authority of paragraphs (b) (6) or (7) of this section must be shown in an amendment (a supplement if the tariff is in bound form or a looseleaf page if the tariff is in loose-leaf form) to the tariff. The rates, charges, rules, regulations, or other provisions authorized to be changed thereunder may be changed without their having been effective for 30 days prior to the effective date of the change.

(9) The regulations in § 1307.34—Suspension of Tariff Schedules—shall govern only when the operation of the division, rate, or charge accruing to the domestic carrier or any provision governing the division, rate, or charge or the service performed by such carrier is suspended by an order of this Commission.

(c) *Port combination basis.* Domestic and ocean carriers may enter into joint rate arrangements, as authorized by paragraph (b) of this section, and domestic carriers may at the same time maintain in effect rates applicable only from and to the ports, usable in combination with ocean carriers' independently established rates. Publication of such rates by the domestic carrier shall be subject to the following:

(1) The domestic carriers shall file their rates to the ports and from the ports, and such rates must be the same for all, regardless of which ocean carrier may be designated by the shipper except as otherwise provided by section 28 of the Merchant Marine Act (41 Stat. 988, 46 U.S.C. 884).

(2) When the domestic carriers publish rates which are indicated to apply only on export or import traffic, the tariffs containing such rates shall specify by inclusion or exclusion the countries to or from which traffic subject to such rates shall move, regardless of whether such countries are, or are not, adjacent to the United States. Tariffs shall also specify whether or not property destined to or coming from the Republic of Cuba, the Commonwealth of Puerto Rico, Guam, Hawaii, or the Canal Zone is subject to such rates. In the absence of a statement in tariffs limiting the application of export or import rates, such rates will apply on traffic destined to or coming from them.

(3) As a matter of convenience to the public, the domestic carriers may also publish as information in their tariffs the ocean carriers' rates or charges that will apply to or from a foreign country in connection with the domestic carriers' rates. When this is done, the ocean carriers' rates or charges are in no manner subject to the jurisdiction of this Commission, but the rates of the domestic carriers applying to or from the ports are subject to all provisions of the Interstate Commerce Act and to this Commission's regulations.

(d) *Through export and import billing.* Export and import shipments may be forwarded under through billing. Through bills of lading must clearly separate the liability of the carriers included therein, where different, and must show (1) the tariff rates or charges of the domestic carriers to or from the port or (2) the joint rates or charges when such rates or charges are established and are named in tariffs on file with this Commission as provided in paragraph (b) of this section. The name of the domestic carrier shall appear in a prominent place on the face of the bill of lading when that carrier originates the shipment. Tariffs which provide for the use of a specified kind of bill of lading shall reproduce all of the terms and conditions thereof.

[41 FR 9353, Mar. 4, 1976]

§ 1307.50 ICC numbering systems.

(a) *Compliance.* Until March 1, 1979, every tariff must bear either an MF-I.C.C. (or MF-ICC) number or a standard ICC designation as set forth in paragraphs (b) and (c), respectively, of this section. Every effective tariff on file with this Commission on that date and every tariff which is indicated to become effective after that date must bear a standard ICC designation as set forth in paragraph (c) of this section. Conversion from the consecutive MF-I.C.C. (or MF-ICC) system to the standard ICC designation system shall be accomplished in the manner set forth in paragraph (d) of this section.

(b) *MF-I.C.C. (or MF-ICC) numbers.* The MF-I.C.C. (or MF-ICC) numbers shall run consecutively beginning with the next consecutive number in the existing series or, if no tariffs have been issued previously, beginning with MF-I.C.C. (or MF-ICC) No. 1.

(c) *Standard ICC designation.* (1) The standard ICC designation shall be constructed by use of the characters "ICC," by use of a unique standard tariff, carrier, or agent code consisting of a minimum of two and a maximum of four alphabetical characters, and by use of a standard tariff number assigned according to the type of tariff, and in that order. For example, if the carrier, or agent or the specific tariff has been assigned the code ABCD and the tariff has been given the number 2000 by the carrier or agent, the ICC designation would be "ICC ABCD 2000." Tariffs containing rates or other provisions published to apply on emergency movements authorized by this Commission under section 210a(a) of the Interstate Commerce Act may be filed without a standard carrier code when the party to whom the authority is issued has not been issued a code. Such tariffs, however, must comply fully with all other requirements of this paragraph.

(2)(i) The codes shall be assigned by the transportation industry. Only one code shall be assigned to each carrier (even if carrier is of more than one mode) or agent (see paragraphs (c)(2)(ii) and (iii) for exceptions). Each code shall be unique for the carrier or agent to which it is assigned and may not be used by any other, regardless of mode. Each carrier or agent must use only the code assigned thereto and may not use any other, except where a separate code has been authorized for a particular tariff series. A carrier or agent may request that it be assigned a specific code (regardless of whether or not one has been previously assigned), which must be appropriate and not duplicate any other. To the greatest extent practicable, the first two letters of the requested code must relate to the carrier's or agent's name. "A," "An," or "The" forming part of the name of the carrier or agent should not be considered when requesting a code. A court-appointed receiver, trustee, executor, administrator, assignee, et cetera, who assumes possession and operating control of a carrier's lines, whether in whole or in part, shall use the old carrier's code. In all other cases where the name of a carrier is lawfully changed or the operating control (including temporary operating control under section 210a(b) of the act) of a carrier's properties is lawfully transferred in whole or in part to another party under authority of an order of this Commission, and the regulations in this subpart require the filing of an adoption notice, the code of the new carrier shall be used on the adoption notice and on all original tariffs filed thereafter in the name of the new carrier. (Where there is a change in the name of the carrier or agent without a change in ownership of a carrier or identity of an agent, a new code shall be assigned unless retention of the same code is authorized by the Commission. Exception: A code assigned for use on a specific tariff of an agent must continue to be used on that tariff. See paragraph (c)(2)(ii) of this section.) A code which has been previously but is no longer assigned may be reassigned after its prior assignment has been canceled for at least 5 years. All requests for codes shall be in writing.

(ii) Consideration shall be given to requests for the assignment of specific codes to classification tariffs and other specific types of governing tariffs which have a substantial nationwide application for a substantial number of participating carriers. The requested code must not duplicate any other. Such a code shall be assigned only to a tariff published and filed in the name of an agent. To the greatest extent possible a requested code must coincide with the first letter of the primary words in the title of the tariff. Only one such code shall be assigned to a tariff. Each code shall be unique for the specific tariff series to which it is assigned and may not be used by the agent on any other tariff or by any carrier or other agent.

(iii) Consideration shall be given to requests for assignment of a separate code to a carrier for use in identifying separately a division or district of the carrier. The requested code must not duplicate any other. This code shall be in addition to the base code assigned the carrier under the provisions of paragraph (c)(2)(i) of this section. The additional code shall be constructed by the use of the base code together with an appropriate letter suffix, designating the particular district or division thereof, which including the suffix, may not exceed four alphabetical characters. Where the base code consists of four characters, the letter suffix shall be added to the first three characters of the base code.

(iv) The transportation industry shall file with the Commission in tariff form a list of the assigned alphabetical codes and the names of the carriers and agents to which they are assigned. This tariff shall be amended every three months (if the list has changed during that period) to maintain it in an updated condition. The amendments shall amend the list to the extent of showing changes, additions, and cancellations. The tariff, if in bound form, shall comply with the supplemental and volume limitations for tariffs provided in Part 1310 of this chapter. Partial amendments to the list may be shown in each supplement, and more than one partial amendment may be in effect at the same time. Only one tariff containing a list of codes may be in effect at one time.

(3) A standard tariff number assigned to a tariff shall consist of not more than four digits. The first digit shall conform to the following grouping:

First digit of standard tariff numbers to be assigned to types of tariffs listed opposite thereto	Types of tariffs to which the first digits listed opposite thereto are to be assigned
1	Governing publications of all kinds; adoption notices.
2	Commodity rate tariffs.
3	Combined class and commodity rate tariffs.
4	Commodity column or distance rate tariffs.
5	Class rate tariffs.
6	Miscellaneous tariffs (those not included in any other category).
7	Import and export tariffs (tariffs assigned this digit must contain only import or export, or both, provisions).
8	Reserved for future assignment.
9	Tariffs containing rates or provisions covering emergency movements authorized by this Commission under section 210a(a) of the act.

When a tariff, because of the provisions it contains, could be construed as being of more than one type, the governing factor in assignment of the digit will be the category that represents the principal portion of the contents or that which signifies its primary purpose. Any tariff assigned any first digit, other than 7, may contain some, but not only, import or export provisions.

(4) The assigned number will remain the same from reissue to reissue of the tariff. A new tariff, not a reissue, shall not show a letter suffix following the tariff number, and the first reissue of it shall show the letter suffix A, the next reissue B, and so on until Z, following which the letter suffix A will again be used and the process repeated. In the example, in paragraph (c)(1) of this section, the first reissue of tariff ICC ABCD 2000 would be ICC ABCD 2000-A, the next reissue ICC ABCD 2000-B, and so on. Where the MF-ICC number on a tariff is changed to a standard ICC designation, there may be no letter suffix or as an alternative any letter suffix may be used, and reissues proceeding from there alphabetically. A carrier or agent may not on any of its tariffs provide a tariff number for its own purpose that is different in any respect from that used in the ICC designation, and whole numbers (not fractional or decimal) must be employed. The purpose is to dispense with and prohibit dual systems of numbering any tariff.

(5) A standard tariff number which has been previously but is no longer assigned and used on an effective tariff may be reassigned after the last tariff to which it was assigned has been canceled for at least 5 years.

(6) When a carrier or agent adopts the standard ICC designation system and obtains a code, it must continue to use such system and file no new tariffs using the MF-ICC consecutive numbering system. The ICC designation of a tariff which employs this system may not be changed.

(7) Any tariff which refers to another as a governing publication or otherwise, using the standard ICC designation in such reference must clearly spell out the name of the carrier or agent whose tariff it is, or under the Explanation of Abbreviations or other appropriate place in the tariff explain the code as to the name of the carrier or agent for which it stands. If the code is assigned to the tariff, the explanation must clearly identify the tariff, including the name of the issuing agent.

(8) Tariffs that use numerical or alphabetical codes to identify carriers in connection with routing, participating carrier lists, et cetera, must convert such codes to the standard carrier codes not later than March 1, 1981.

(9) In applying the regulations of this subpart in connection with tariffs issued in, or converted to, the standard ICC designation system, any reference in such regulations, either expressed or implied, to the MF-ICC consecutive numbering system and to "series" shall be construed to apply as well to the standard ICC designation system.

(d) *Conversion to new system.* (1) Each carrier or agent must obtain its standard code before it adopts the standard ICC designation system. A carrier or agent may elect to convert to the standard system only as each tariff is reissued, or a new one (not a reissue) is published, or in the alternative to convert all its existing tariffs at one time. In any event, all tariffs, except as otherwise provided in § 1307.50(c)(8), must be converted by March 1, 1979. If all existing tariffs are converted at one time, the notice of the conversion in each tariff shall be made by special supplement. Such supplement shall contain no other matter, shall not be canceled, shall be considered exempt from the supplemental limitations in this subpart for the life of the tariff involved, and shall be shown as a supplement to the old tariff. The supplement may be published on not less than one day's notice, and shall contain a notice reading substantially as follows:

NOTICE OF CHANGE OF MF-ICC NUMBER

Effective (here show date which is next following the general effective date of the supplement) the MF-ICC designation of this tariff, as heretofore amended, is changed to (here show new tariff designation). All amendments to this tariff will hereafter use the new designation.

Any reference in any other tariff to this tariff by the previous MF-ICC designation shall be construed as referring to this tariff by the new designation.

(2) Any reference in one tariff to another tariff by its old MF-ICC number, after such referred-to tariff has been reissued or converted using the standard ICC designation system, must be corrected by publication(s) filed within 60 days of the effective date of the changed designation. Such references may be corrected upon not less than 1 day's notice. A supplement issued to a bound tariff for the purpose of effecting such correction, and containing no other matter, may be issued and maintained without regard to the supplemental matter limitations of this subpart. If the corrections as to any particular bound tariff would require more than one page of tariff matter, corrections may be made by "Amendment to * * *" an item or other tariff unit provided the supplement contains only such corrective matter and is retained as a separate effective supplement (not reissued) for the life of the tariff or until all affected amended tariff items or units are reissued. Use of blanket form of supplement (a common supplement to two or more tariffs) to bound tariffs is authorized subject to the same conditions set forth in this paragraph.

(3) A loose-leaf tariff may only be changed to the standard ICC designation system, without complete reissue, by issuance of the supplement authorized in this paragraph plus a revised title page (effective the same date as the supplement and upon the same notice), subject to the further condition that the new title page and each new or revised page issued thereafter shall show in connection with the standard ICC designation the words "Formerly MF-ICC" followed by the old number.

(4) Tariffs (not supplements or loose-leaf page revisions) which are completely compiled and in the hands of the printer for publication, not filed, at the time of the complete changeover by a carrier or by an agent, which bear the old-type MF-ICC designation, may be filed if accompanied by the supplement authorized in this paragraph and in the case of a loose-leaf tariff by revised title page, and the circumstances explained in the letter of transmittal accompanying the filing.

(5) When a tariff filed in the names of two or more agents is converted, the conversion must become effective on the same date for all the agents involved.

(Sec. 310a, 5 U.S.C. 553, 558; 49 U.S.C. 5, 6, 12, 20, 319, 904, 906, 1003, 1005, 1013; sec. 12, 24 Stat. 383 as amended, secs. 5, 6, 12, 24 Stat. 380 as amended, sec. 20, 24 Stat. 386 as amended; 49 Stat. 560, 563, as amended; sec. 210a, 52 Stat. 1237, as amended; secs. 304, 306, 54 Stat. 933, 935; secs. 403, 405, 413, 56 Stat. 285, 287, 295; 80 Stat. 378)

[43 FR 8542, Mar. 20, 1978; 43 FR 12327, Mar. 24, 1978]

Subpart C—Special Permissions

AUTHORITY: Secs. 204, 217, as amended, 218, as amended, 49 Stat. 546, as amended, 560, as amended, 561, as amended; 49 U.S.C. 304, 317, 318, unless otherwise noted.

§ 1307.90 Suspension supplements and postponement notices.

(a) All carriers subject to the tariff publishing rules in Subpart A (Tariff Circular MF No. 4), Subpart B (Tariff Circular MF No. 3) and §§ 1306.0-1306.16 of this chapter, and their duly appointed agents are hereby authorized to:

(1) Publish the following provisions in the supplements (other than consolidated suspension supplements) to their respective tariffs or schedules, announcing suspension of rates, fares or other provisions of said tariffs and schedules:

POSTPONEMENT NOTICE

If this supplement is not canceled on or before (here insert date to which suspended), the effective date of the above-described suspended publication or publications remaining under suspension until that date is hereby postponed to the date upon which this supplement is canceled. The rates, fares, charges, classifications, rules, regulations, practices, and other provisions continued in force by the above-mentioned order of suspension will apply during the period of suspension and postponement unless and until lawfully changed.

(2) Publish in bound tariffs or supplements thereto, or in looseleaf tariffs or pages thereto, immediately following the first sentence of the "Notice of Suspension" authorized in paragraph 1(b) of Special Permission No. M-89600, a postponement notice reading substantially as follows:

The effective date of such suspended provisions is hereby postponed to and including ————.

or

The effective date of such suspended provisions which was postponed to and including ———— is hereby further postponed to and including ————.

All such provisions to be made effective not later than the date to which suspended or postponed and upon as much notice as possible, but in no event less than 1 day's notice.

(b) Where the supplement announcing suspension does not contain the postponement notice authorized in paragraph (a)(1) of this § 1307.90 and some or all of the matter remains under suspension until the end of the suspension period, carriers and their agents are hereby authorized to issue a postponement notice in a regular supplement or a postponement supplement to their tariff or schedule affected, such postponement notice or postponement supplement to provide that the effective date of such matter remaining under suspension is postponed to a specific date or to the date upon which the postponement notice or postponement supplement is canceled. The supplement containing such postponement notice to provide for the cancellation of the suspension supplement, bear an effective date which will be the same date as that named in the suspension order and to be made effective upon as much notice as possible, but in no case less than 1 day's notice.

(c) Where the suspended matter is under postponement to a specific date under authority of paragraph (b) of this section and it is desired to further postpone the effective date, carriers or agents may issue a supplement to their tariff or schedule affected, such supplement to cancel the postponement supplement (if it contains only the notice of postponement) or the postponement notice (if in a supplement containing other matter) and to provide that the effective date of the matter remaining under postponement to the end of the postponement period, is further postponed to a specific date or to the date upon which the postponement supplement or postponement notice is canceled. The postponement notice or supplement issued hereunder to be made effective not later than the date shown in the previous postponement notice and upon as much notice as possible but in no case less than 1 day's notice.

(d) When the Commission has found the suspended matter justified and the effective date of such matter is under postponement or further postponement, the publishing carrier or agent may within the period of postponement publish and file a supplement (when to a bound tariff) or revised page (when to a loose-leaf tariff) to their tariff or schedule affected, such supplement or page to cancel the postponement notice or postponement supplement (in the case of a loose-leaf tariff the postponement supplement may be canceled by a revised check sheet), cancel the matter continued in effect during the period of postponement and make the postponed matter effective, the supplements or pages issued under this paragraph to bear an effective date which will be earlier than the date to which postponed and be made effective upon not less than 1 day's notice.

(e) Supplements issued to bound tariffs under authority of paragraphs (b), (c), and (d) of this section which contain no other matter may be issued without regard to the terms of § 1307.30(s) (1)(2) (Rule 6(d) of the Tariff Circular MF No. 3), or § 1307.5(u) of Tariff Circular MF No. 4, but thereafter such supplements will be counted against the number of supplements and volume of supplemental matter until they are canceled.

(f) Publications issued hereunder to make specific reference hereto as authority for short notice or for tariff circular departure by using the following notation wholly or in part:

> Issued on (show number of days) notice; Tariff Circular departure authorized; ICC Permission No. M-83800.

This authority does not, except as expressly indicated, waive or modify any outstanding formal order of the Commission, any of the requirements of its published rules relative to the construction and filing of tariffs or schedules, nor any of the provisions of the Interstate Commerce Act. This permission shall continue in force and effect until July 1, 1980.

[32 FR 20580, Dec. 20, 1967, as amended at 40 FR 13219, Mar. 25, 1975]

§ 1307.95 Circus outfits.

(a) All common carriers of property by motor vehicle, subject to Part II of the Interstate Commerce Act, are hereby authorized to publish and file with the Commission tariffs providing for the transportation of circus outfits, such tariffs to publish rates or charges specifically, or to consist of a title page with notation reading "as per copy of contract attached," to which title page shall be attached a copy of the contract under which the circus outfit is moved. Tariffs issued under this authority need not be posted, but must be filed with the Commission at least one day prior to the effective date and must bear the notation:

> Issued on one day's notice under special permission of the Interstate Commerce Commission No. M-3677 of October 6, 1936.

(b) This permission does not modify any outstanding formal orders of the Commission, nor waive any of the requirements of its published rules relative to the construction and filing of tariffs or schedules, nor modify any of the provisions of Part II of the Interstate Commerce Act, except as to the notice to be given.

§ 1307.100 Motor common carriers of property or passengers: Establishment of rates, fares, and other provisions covering emergency transportation of property or passengers, or both.

(a) *Departure from sections (rules) authorized.* Motor common carriers may depart from the terms of §§ 1307.21 through 1307.47 (Tariff Circular MF No. 3); and §§ 1306.0 through 1306.6 and §§ 1306.9 through 1306.16 of this subchapter (Rules 1 through 6 and Rules 9 through 16 of Tariff Circular MP No. 3) to the extent necessary to permit the construction, filing, and posting of original tariffs and supplements in the manner authorized in this section.

(b) *General provisions.* (1) Subject to the limitations herein, motor common carriers may establish rates or fares, or both, and other tariff provisions covering emergency movements authorized by this Commission under section 210a(a) of the Interstate Commerce Act, without further notice prior to acceptance of property or passengers, or both, for transportation other than posting, where required, of an individual tariff (not a loose-leaf page) containing such rates or fares, or both, and other provisions (such a tariff may refer to one or more agents' tariffs for governing provisions), or containing provisions other than rates or fares and referring to one or more agents' tariffs for such rates or fares, or both, and other provisions, and having three copies of the tariff (five copies if the tariff is a passenger carrier tariff containing both passenger and property provisions), with a letter of transmittal, filed with the commission's Bureau of Operations' field office which has jurisdiction over the point at which the carrier is domiciled or such other field office as the Commission may designate in special circumstances.

(2) A supplement may be issued to a tariff filed under this section only for the purpose of changing the expiration date of the tariff to the date with which the emergency temporary authority, or an extension thereof, expires. Such a supplement shall be subject to the posting and filing requirements provided for tariffs in paragraph (b)(1) of this section.

(c) *Limitations.* (1) Publications issued hereunder may contain only matter pertaining to the emergency temporary authority.

(2)(i) All publications must be issued in the name of the carrier and may contain only matter pertaining to the emergency temporary authority. Until March 1, 1979, the ICC designation assigned to an emergency temporary authority (ETA) tariff must either be a consecutive designation (see paragraph (c)(2)(ii) of this section) or be a standard ICC designation (see paragraph (c)(2)(iii) of this section). On and after that date only a standard ICC designation may be shown on these publications.

(ii) Each consecutive ICC designation assigned to a publication shall show a "W" prefix in the following manner:

MF-ICC W (here show number)

MP-ICC W (here show number)

ME-ICC W (here show number)

The first "ETA" tariff issued under each of the above designations shall be assigned No. 1. (The abbreviation "No." need not be shown.) Subsequent "ETA" tariffs shall be numbered consecutively. Passenger carriers should show either the "MP-ICC W" or "ME-ICC W" designation, or both, whichever is appropriate as to a tariff. Until October 5, 1978, property carriers using the consecutive designation system shall show either the "MF-ICC W" or "ICC W" designation. On and after October 5, 1978, only the "ICC W" consecutive designation of a property carrier may be shown (see § 1310.28(i)) if the consecutive designation is used.

(iii) The standard ICC designation shall be constructed and assigned in the manner required by §§ 1306.18 and 1307.50 of parts 1306 and 1307. The standard tariff number in a standard ICC designation shall commence with "9" (for example, "ICC ABCD 900").

(3) If the carrier certifies on the emergency temporary authority application that within 15 days of the date of filing that application, a corresponding application will be filed seeking temporary authority for 180 days and requests in the emergency application two 30-day extensions of the emergency temporary authority, the tariff shall show on the title page a specific expiration date of 120 days after the effective date of the tariff. If the carrier does not provide the certification or request two 30-day extensions, the tariff shall show a specific expiration date of not later than 45 days from the effective date of the tariff. If a 120-day expiration date is inadvertently shown of if it is shown and the carrier does not timely file its 180-day temporary authority application as it certified it would, a supplement shall be filed changing the expiration date to the date the emergency temporary authority is indicated to expire.

(4) Each tariff referred to by an "ETA" tariff must be identified by its ICC designation. A referred to tariff containing more than one ICC designation shall be identified by each of its designations.

(5) The carrier must certify in writing to the appropriate field office that it is a participant in each tariff to which its "ETA" tariff refers.

(6) When the provisions of an "ETA" tariff do not conform to the emergency temporary authority actually granted, another "ETA" tariff may be filed hereunder to cancel the first "ETA" tariff and bring the provisions into conformity with the authority granted.

(7) Except as otherwise provided in paragraph (c)(6) of this section, this

permission does not authorize the cancellation of any rate, fare, or other provision, and the permission may not be used to establish any rate, fare, or other provision that will conflict with or duplicate any other rate, fare, or other provision.

(8) This permission does not modify any outstanding formal order of the Commission, nor waive, except as herein authorized, any of the requirements of its rules relative to the construction, filing, and posting of tariff publications.

(Sec. 310a, 5 U.S.C. 553, 558; 49 U.S.C. 5, 6, 12, 20, 319, 904, 906, 1003, 1005, 1013; sec. 12, 24 Stat. 383 as amended, secs. 5, 6, 12, 24 Stat. 380 as amended, sec. 20, 24 Stat. 386 as amended; 49 Stat. 560, 563, as amended; sec. 210a, 52 Stat. 1237, as amended; secs. 304, 306, 54 Stat. 933, 935; secs. 403, 405, 413, 56 Stat. 285, 287, 295; 80 Stat. 378)

[37 FR 15869, Aug. 5, 1972, as amended at 42 FR 64353, Dec. 23, 1977; 43 FR 8553, Mar. 2, 1978; 43 FR 12328, Mar. 24, 1978]

§ 1307.101 Motor contract carriers of property or passengers: Establishment of actual or minimum rates, fares, etc. covering emergency transportation of property or passengers, or both.

(a) *Departure from sections (rules) authorized.* Motor contract carriers may depart from the terms of §§ 1307.0 through 1307.13 (Tariff Circular MF No. 4) and §§ 1306.0 through 1306.16 (Tariff Circular MP No. 3) of this subchapter to the extent necessary to permit the construction, filing, and posting of original schedules and supplements in the manner authorized in this section.

(b) *General provisions.* (1) Subject to the limitations herein, motor contract carriers may establish rates or fares, or both, and other schedule provisions covering emergency movements authorized by this Commission under section 210a(a) of the Interstate Commerce Act, without further notice prior to acceptance of property or passengers, or both, for transportation other than posting, where required, of an individual schedule (not a loose-leaf page) containing such rates or fares, or both, and other provisions (such a schedule may, for governing provisions, refer to a distance guide or to a publication reproducing the regulations promulgated by the Department of Transportation governing the acceptance and transportation of dangerous articles (hazardous materials), or both), and having three copies of the schedule (five copies if the schedule is a passenger carrier schedule which contains both passenger and property provisions, with a letter of transmittal, filed with the Commission's Bureau of Operations' field office which has jurisdiction over the point at which the carrier is domiciled or such other field office as the Commission may designate in special circumstances.

(2) A supplement may be issued to a schedule filed under this section only for the purpose of changing the expiration date of the schedule to the date with which the emergency temporary authority, or an extension thereof, expires. Such a supplement shall be subject to the posting and filing requirements provided for schedules in paragraph (b)(1) of this section.

(c) *Limitations.* (1) Publication issued hereunder may contain only matter pertaining to the emergency temporary authority.

(2) (i) All publications must be issued in the name of the carrier and may contain only matter pertaining to the emergency temporary authority. Until March 1, 1979, the ICC designation assigned to an emergency temporary authority (ETA) tariff must either be a consecutive designation (see paragraph (c)(2)(ii) of this section) or be a standard ICC designation (see paragraph (c)(2)(iii) of this section). On and after that date only a standard ICC designation may be shown on these publications.

(ii) Each consecutive ICC designation assigned to a publication shall show a "W" prefix in the following manner:

MF-ICC W (here show number)
MP-ICC W (here show number)
ME-ICC W (here show number)

The first "ETA" schedule issued under each of the above designations shall be assigned No. 1. (The abbreviation "No." need not be shown.) Subsequent "ETA" schedules shall be numbered consecutively. Passenger carriers should show either the "MP-ICC W" or "ME-ICCW" designation, or both, whichever is appropriate as to a schedule. Property carriers shall show only the "MF-ICC W" designation.

(iii) The standard ICC designation shall be constructed and assigned in the manner required by §§ 1306.18 and 1307.15 of Parts 1306 and 1307. The standard schedule number in a standard ICC designation shall commence with "9" (for example, ICC ABCD 900).

(3) If the carrier certifies on the emergency temporary authority application that within 15 days of the date of filing that application, a corresponding application will be filed seeking temporary authority for 180 days and requests in the emergency application two 30-day extensions of the emergency temporary authority, the schedule shall show on the title page a specific expiration date of 120 days after the effective date of the schedule. If the carrier does not provide the certification or request two 30-day extensions, the schedule shall show a specific expiration date of not later than 45 days from the effective date of the schedule. If a 120-day expiration date is inadvertently shown or if it is shown and the carrier does not timely file its 180-day temporary authority application as it certified it would, a supplement shall be filed changing the expiration date to the date the emergency temporary authority is indicated to expire.

(4) Each publication referred to by an "ETA" schedule must be identified by its ICC designation. A referred publication containing more than one ICC designation shall be identified by each of its designations.

(5) The carrier must certify in writing to the appropriate field office that it is a participant in each publication to which its "ETA" schedule refers.

(6) When the provisions of an "ETA" schedule do not conform to the emergency temporary authority actually granted, another "ETA" schedule may be filed hereunder to cancel the first "ETA" schedule and bring the provisions into conformity with the authority granted.

(7) Except as otherwise provided in paragraph (c)(6) of this section, this permission does not authorize the cancellation of any rate, fare, or other provisions, and the permission may not be used to establish any rate, fare, or other provision that will conflict with or duplicate any other rate, fare, or other provision.

(8) This permission does not modify any outstanding formal order of the Commission, nor waive, except as herein authorized, any of the requirements of its rules relative to the construction, filing, and posting of schedule publications.

(Sec. 310a; 5 U.S.C. 553, 558; 49 U.S.C. 5, 6, 12, 20, 319, 904, 906, 1003, 1005, 1013; sec. 12, 24 Stat. 383 as amended, secs. 5, 6, 12, 24 Stat. 380 as amended, sec. 20, 24 Stat. 386 as amended; 49 Stat. 560, 563, as amended; sec. 210a, 52 Stat. 1237, as amended; secs. 304, 306, 54 Stat. 933, 935; secs. 403, 405, 413, 56 Stat. 285, 287, 295; 80 Stat. 378)

[37 FR 15870, Aug. 5, 1972, as amended at 42 FR 64354, Dec. 23, 1977; 43 FR 8553, Mar. 2, 1978; 43 FR 12328, Mar. 24, 1978]

Subpart D—Released Rates

§ 1307.200 Released rates on certain articles.

(a) *Authority for, and manner of, establishment.* All motor carriers and their duly authorized agents or the duly accredited successors of such agents are authorized to establish and maintain by filing and posting in the manner prescribed in sections 217 and 218 of Part II of the Interstate Commerce Act, truckload and less-than-truckload classification and exception ratings for carpets and carpeting; graphite crucibles; hides, pelts, or skins, not dressed nor tanned; household goods; jewelers' sweepings; leather scrap; leatherboard scrap; ores not otherwise indexed in the classification; painting and pictures; pottery, chinaware, earthenware, porcelainware or stoneware, not otherwise indexed in the classification; printed matter; silk, raw, spun, schappe, or thrown, including organzine, singles, tram, warp, or yarns; watches and clocks dependent upon the released value of the property declared by the shipper in writing, or agreed upon in writing in the following manner:

(1) Carpets or carpeting:

Rugs, N.O.I., value declared in writing by the shipper, or agreed upon in writing as the released value of the property in accordance with the following (see Note 2):

If not exceeding $125.00 per 100 pounds, in burlapped bales or rolls, or in boxes, or wrapped bundles (see Note 1)———

If exceeding $125.00 per 100 pounds, and not exceeding $200.00 per 100 pounds, in boxes (see Note 1) ————

If exceeding $200.00 per 100 pounds, and not exceeding $300.00 per 100 pounds (see Note 1)

If exceeding $300.00 per 100 pounds, in boxes (see Note 1) ————

NOTE 1: The value declared in writing by the shipper, or agreed upon in writing as the released value of the property, as the case may be, must be entered on shipping order and bill of lading as follows:

The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding ——— per 100 pounds.

NOTE 2: If consignor declines to declare the value, or agree to release value in writing, shipment will not be accepted.

(2) Hides, pelts, or skins, not dressed nor tanned:

Hides, pelts, or skins, not dressed nor tanned, N.O.I.:

Dry (see Note), in packages:

Released to value not exceeding $1.50 per pound ———

Released to value exceeding $1.50 per pound but not exceeding $5.00 per pound———

Released to value exceeding $5.00 per pound but not exceeding $7.50 per pound———

If declared or released value exceeds $7.50 per pound or shipper declines to declare or release value, Not Taken.

NOTE: The value declared in writing by the shipper or agreed upon in writing as the released value of the property, as the case may be, must be entered on shipping order and bill of lading as follows:

The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding ——— per pound for each article.

If consignor declines to declare value or agree to released value in writing, the shipment will not be accepted.

(3) Household goods:

Household goods, as described in Note 2, prepaid, each article released in value in accordance with the following (see Note 1):

Released to value not exceeding 10 cents per pound ————

Released to value exceeding 10 cents but not exceeding 20 cents per pound ———

Released to value exceeding 20 cents but not exceeding 50 cents per pound ———

Released to value exceeding 50 cents but not exceeding $2.00 per pound ———

Released to value exceeding $2.00 but not exceeding $5.00 per pound ———

NOTE 1: If consignor declines to release each article in the shipment to a value not exceeding $5.00 per pound, the shipment will not be accepted.

The released value, which shall be deemed to relate to each article separately and not to the shipment as a whole, must be entered on shipping order and bill of lading in the following form:

The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding ——— per pound.

NOTE 2: Ratings on household goods apply only on second-hand (used) household or personal effects such as clothing, furniture or furnishings for residence, with not to exceed one piano. Ratings do not apply on articles specifically named in Rule 3 of the classification nor on goods shipped for sale or speculation.

(4) Jewelers' sweepings:

Jewelers' sweepings, value declared in writing by the shipper, or agreed upon in writing as the released value of the property, in accordance with the following (see Note):

Wet, in water-tight barrels, value not exceeding 10 cents per pound ———

Wet, in water-tight barrels, value exceeding 10 cents per pound but not exceeding 40 cents per pound ———

Dry, in barrels, value not exceeding 10 cents per pound ———

Dry, in barrels, value exceeding 10 cents per pound but not exceeding 40 cents per pound ———

If value exceeds 40 cents per pound, or if consignor declines to declare value or agree to released value in writing, shipment will not be accepted.

NOTE: The value declared in writing by the shipper, or agreed upon in writing as the released value of the property, as the case may be, must be entered on the shipping order and bill of lading as follows:

The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding ——— cents per pound.

(5) Leather:

Leather scrap, value declared in writing by the shipper, or agreed upon in writing, as the released value of the property, in accordance with the following, in packages (see Notes 1 and 2):

If not exceeding 3½ cents per pound ——
If exceeding 3½ cents per pound ———

NOTE 1: The value declared in writing by the shipper, or agreed upon in writing as the released value of the property, as the case may be, must be entered on the shipping order and bill of lading, as follows:

The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding ——— cents per pound.

If the consignor declines to declare value or agree to released value in writing, the shipment will not be accepted.

NOTE 2: Ratings apply only on old, wornout leather articles, other than belting, boots or shoes, or on scraps of old (used) leather, or on tanners' tearoffs or rough roundings, or on leather refuse from manufacture of leather or leather goods, and do not apply on bellies, heads, shanks, or shoulders, nor on leather cut or stamped into forms, shapes, or strips.

(6) Leatherboard scrap:

Leatherboard scrap, value declared in writing by shipper, or agreed upon in writing as the released value of the property, in accordance with the following (see Note):

If not exceeding 3½ cents per pound, in packages ———
If exceeding 3½ cents per pound, in packages ———

NOTE: The value declared in writing by the shipper, or agreed upon in writing as the released value of the property, as the case may be, must be entered on the shipping order and bill of lading as follows:

The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding ——— cents per pound.

If consignor declines to declare value or agree to released value in writing, the shipment will not be accepted.

(7) Ores:

Ores, N. O. I., value declared in writing by the shipper, or agreed upon in writing as the released value of the property, in accordance with the following (see Note):

If value does not exceed 5 cents per pound, in bags, barrels or boxes ———
If value exceeds 5 cents per pound but does not exceed 40 cents per pound, in bags, barrels or boxes ———
If value exceeds 40 cents per pound but does not exceed $1.00 per pound, in bags, barrels or boxes ———
If value exceeds $1.00 per pound, in bags, barrels or boxes ———

If consignor declines to declare value or agree to released value in writing, shipment will not be accepted.

NOTE: The value declared in writing by the shipper, or agreed upon in writing as the released value of the property, as the case may be, must be entered on shipping order and bill of lading as follows:

The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding per pound.

(8) Paintings or pictures:

Paintings or pictures, N.O.I., value declared in writing by the shipper, or agreed upon in writing as the released value of the property, in accordance with the following (see Note):

If value does not exceed 50 cents per pound, in boxes ———
If value exceeds 50 cents per pound and does not exceed $2.00 per pound, in boxes ———
If value exceeds $2.00 per pound and does not exceed $5.00 per pound, in boxes ———
If declared or released value exceeds $5.00 per pound. Not Taken.

If consignor declines to declare value or agree to released value in writing, the shipment will not be accepted.

NOTE: The value declared in writing by the shipper or agreed upon in writing as the released value of the property, as the case may be, must be entered on shipping order and bill of lading as follows:

The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding ——— per pound.

(9) Pottery:

Chinaware, earthenware, porcelainware or stoneware, N.O.I.

Released to value not exceeding $20.00 per 100 pounds (see Note 1):
In baskets with solid wooden covers (see Note 2), or in barrels, boxes or crates, or in salesmen's sample trunks, locked, or in trunks in crates ——
Not released to value of $20.00 per 100 pounds: In baskets with solid wooden covers (see Note 2), or in barrels, boxes or crates, or in salesmen's sample trunks, locked, or in trunks in crates ——

NOTE 1: The released value must be entered on shipping order and bill of lading in the following form:

The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding $20.00 per 100 pounds.

NOTE 2: Ratings apply on shipments packed in hay or straw in closely woven stave shipping baskets with 2 hoops not less than ¼ inch thick, clinch nailed, further reinforced with 3 metal straps not less than ½ inch wide running outside the 3 staves and fastened to the hoops. Cover must be made of closely fitting boards not less than ½ inch thick with cross-batten not less than ¾ × 5 inches, fitting under the wire handles and nailed.

(10) Printed matter, paper or paper board:

Printed matter having exchange value, such as sales coupons and certificates, prepaid (see Notes 1 and 2), in boxes or in chemically hardened fibre boxes or trunks, reinforced at all corners and edges with iron or steel bracing, covers secured by metal clasps and seals:

If value does not exceed 50 cents per pound ——
If value exceeds 50 cents per pound and does not exceed $1.00 per pound ——
If declared or released value exceeds $1.00 per pound, Not Taken.

If consignor declines to declare value or agree to released value in writing, the shipment will not be accepted.

NOTE 1: The value declared in writing by the shipper, or agreed upon in writing as the released value of the property, as the case may be, must be entered on shipping order and bill of lading, as follows:

The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding ———— per pound.

NOTE 2: Sales coupons or certificates having exchange value may be included with shipments of merchandise at rates or ratings provided for the merchandise with which they are shipped, provided weight of the sales coupons or certificates does not exceed 1 percent of gross weight of shipment. Under the terms of this note, released ratings will not apply on sales coupons or certificates accompanying merchandise to the extent stated.

(11) Silk:

Silk, value declared in writing by the shipper, or agreed upon in writing as the released value of the property, in accordance with the following:

Raw (see Note):
If value does not exceed $1.00 per pound, in bags, bales or boxes ——
If value exceeds $1.00 per pound, in bags, bales or boxes ——

If consignor declines to declare value or agree to released value in writing, shipment will not be accepted.

Spun, schappe or thrown, including organzine, single, tram, warp or yarns (see Note):

If value does not exceed $1.00 per pound, in bags, bales or boxes or on wrapped beams in crates ——
If value exceeds $1.00 per pound, in bags, bales or boxes, or on wrapped beams in crates ——

If consignor declines to declare value or agree to released value in writing, shipment will not be accepted.

NOTE: The value declared in writing by the shipper, or agreed upon in writing as the released value of the property, as the case may be, must be entered in shipping order and bill of lading, as follows:

The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding —— per pound.

(12) Watches, clocks:

Watches, clocks, value declared in writing by the shipper or agreed upon in writing as the released value of the property, in accordance with the following (see Note):

If value does not exceed $1.00 each, in boxes ——
If value exceeds $1.00 each, in boxes ——

If consignor declines to declare value or agree to released value in writing, the shipment will not be accepted.

NOTE: The value declared in writing by the shipper, or agreed upon in writing as the released value of the property, as the case may be, must be entered on shipping order and bill of lading as follows:

The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding —— per clock watch.

(13) Graphite articles:

Graphite (black lead or plumbago) articles:

Crucibles, packed in excelsior, hay, straw, or similar material:

Value declared in writing by the shipper, or agreed upon in writing as the released value, if exceeding 5 cents per pound (see Note) ——
Value declared in writing by the shipper, or agreed upon in writing as the released value, if not exceeding 5 cents per pound (see Note) ——

NOTE: The value declared in writing by the shipper or agreed upon in writing as the released value of the property, as the case may be, must be entered on shipping order and bill of lading as follows:

> The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding —— cents per pound.
>
> If consignor declines to declare value or agree to released value in writing of crucibles packed in excelsior, hay, straw or similar packing material, but not braced, the shipment will not be accepted.

(b) *Changes.* Changes may be made in any rating and container or packing specification established under authority of this section, but no change in commodity description or in the released valuations upon which the ratings are dependent may be made without specific authority of the Commission.

(c) *Lawfulness of rates.* The Commission does not hereby approve the lawfulness, except under sections 20(11) and 219 of the Interstate Commerce Act, of any ratings or valuations which may be filed under this authority.

(d) *Authority to be shown in tariff.* The ratings dependent upon released value filed under the authority of this section shall show in connection therewith the following notation:

> Ratings herein based on released value have been authorized by the Interstate Commerce Commission in Released Rates Order No. MC-1 of January 16, 1936, as amended October 20, 1948, subject to complaint and suspension.

(Secs. 20, as amended; 24 Stat. 386, as amended, 204, 217, as amended, 218, as amended, 219, as amended; 49 Stat. 546, as amended, 560, as amended, 561, as amended, 563, as amended; 49 U.S.C. 20, 304, 317, 318, 319)

§ 1307.201 Released rates on household goods.

(a) *Establishment authorized; rate bases.* Subject to the conditions specified in succeeding paragraphs of this section, each motor common carrier authorized to perform the specialized service of a household goods carrier be, and it is hereby, authorized to establish and maintain by filing and posting in the manner required by the Interstate Commerce Act, commodity rates for the transportation in interstate or foreign commerce, and charges for accessorial services in connection therewith, of household goods, as defined by the Commission, said rates and charges to be applicable only when the value of the property as declared by the shipper in writing, or agreed upon in writing as the released value thereof is as follows:

Released values and liability limitations	Transportation rate basis	Storage in transit rate basis
Released to a value not exceeding 60 cents per pound per article for the actual weight of any article or articles in a shipment.	Base transportation rate	Base storage rate.
Released to a declared lump sum value for an entire shipment. However, if the value declared is less than $1.25 times the actual weight (in pounds) of the shipment, such declaration will be ineffective, and the shipment will be deemed instead to have been released to a declared lump sum value equal to $1.25 times the actual total weight (in pounds) of the shipment.	Base Transportation rate plus a valuation charge of 50 cents for each $100, or fraction thereof of the released value of the entire shipment. On shipments destined to a point in Mexico, the valuation charge will be $1.50 for each $100, or fraction thereof, of the released value of the entire shipment.	110 percent of the base storage rate for the first 60-day period of storage. Thereafter, 110 percent of the base storage rate for each storage period of 30 days, or fraction thereof.

No rule of coresponsibility may be employed to reduce the liability of the carrier for loss, damage, or delay to the property. The total parts comprising any article knocked down or taken apart for handling or loading shall constitute one article for the purpose of determining the carrier's liability as provided above.

(b) *Changes in rates or released valuations.* Changes may be made in the rates or charges established under the authority of this order but the released values provided in this section may not be decreased, nor may the value charges as specified in this section be increased without specific authority of the Commission.

(c) *Statement on bills of lading.* The bill of lading issued for any shipment accepted for transportation and storage at released rates and charges established and maintained under authority of this order, shall have printed in distinctive color in boldface, type on the face thereof a statement reading as follows:

> Unless the shipper expressly releases the shipment to a value of 60 cents per pound per article, the carrier's maximum liability for loss and damage shall be either the lump sum value declared by the shipper or an amount equal to $1.25 for each pound of weight in the shipment, whichever is greater.

The release of value must be entered in the following form directly below and immediately following the foregoing statement, and must be completed only by the person signing it.

> The shipment will move subject to the rules and conditions of the carrier's tariff. Shipper hereby releases the entire shipment to a value not exceeding ——————————
>
> ————————————————————————
>
> (To be completed by the person signing below)
>
> NOTICE: The shipper signing this contract must insert in the space above, in his own handwriting, either his declaration of the actual value of the shipment, or the words, "60 cents per pound per article." Otherwise, the shipment will be deemed released to a maximum value equal to $1.25 times the weight of the shipment in pounds.
>
> ————————————————————————
>
> (Shipper)
>
> ————————————————————————
>
> (Date)

Provided that, Where the shipper is the employer of the actual owner of the household goods being transported and is responsible for all transportation charges in connection with such a move, the shipper may instruct the motor carrier to release the shipment to a value of 60 cents per pound per article (a) by specification made on a purchase order, or (b) by issuing, in advance of the shipping date, appropriate letters of instructions to the carrier. In such instances, the motor carrier must incorporate the instructions by reference to the document in (a) or (b) above in the bill or lading in lieu of the personal signature and handwritten statement relating to released rates.

(d) *Statement in tariffs.* Tariffs containing rates or charges established under authority of this order shall specifically provide the carrier's maximum liability for loss of or damage to property shall be the lump sum value declared or an amount equal to $1.25 times the weight of the shipment in pounds, whichever is greater, unless the shipper expressly releases the shipment to a value of 60 cents per pound per article, in which case the carrier's liability shall not exceed that value. Tariffs shall provide that in the event shipper does not declare a lump sum value or release the shipment to a value of 60 cents per pound per article the shipment will be deemed released to a lump sum value equal to $1.25 times the total weight of the shipment (in pounds). No rule of coresponsibility may be employed. Such tariffs shall show the following notation:

> Rates or charges herein based on released value have been authorized by the Interstate Commerce Commission in Released Rates Order No. —— of ——— subject to complaint or suspension.

(e) *Limitation of authority.* This section does not constitute authority for the establishment of released rates or charges on any description of traffic other than herein specifically indicated, nor on traffic originating in an adjacent foreign country destined to points in the United States.

(f) *Lawfulness of rates.* The Commission does not hereby approve the lawfulness, except under sections 20(11) and 219 of the Interstate Commerce Act, of any rate or charge which may be filed under authority of this section.

(Secs. 204, 219, as amended, 220, as amended, 49 Stat. 546, 563; 49 U.S.C. 301, 302, 304, 308, 319, 320)

[32 FR 20580, Dec. 20, 1967, as amended at 34 FR 206, Jan. 7, 1969; 35 FR 183, Jan. 6, 1970; 38 FR 10154, Apr. 25, 1973]

§ 1307.202 Released ratings; household goods.

(a) *Establishment.* All common carriers of property by motor vehicle and all freight forwarders, their duly authorized agents or the duly accredited successors to such agent, who have been or who may hereafter be, granted authority by the Commission to transport household goods in interstate or foreign commerce be, and they are hereby, authorized to establish and maintain by filing and posting in the manner prescribed in the Interstate Commerce Act, classification ratings and exceptions ratings for household goods dependent upon the value declared in writing by the shipper or agreed upon in writing, as the released value of the property, as follows:

	Less than truck-load	Truckload or volume
Household goods, as described in note 1 below, prepaid.		
Each article released in value in accordance with the following, see note 2.		
Released value not exceeding 10 cents per pound	1	2-3-3
Released to value exceeding 10 cents but not exceeding 20 cents per pound	1¼	1-3-3
Released to value exceeding 20 cents but not exceeding 50 cents per pound	1⅓	1¼-2-2
Released to value exceeding 50 cents but not exceeding $2 per pound	D1	1½-1-1
Released to value exceeding $2 but not exceeding $5 per pound	3t1	D1-1½-1⅓

NOTE 1: Ratings on household goods apply only on second-hand (used) household or personal effects such as clothing, furniture or furnishings for residences with not to exceed one piano; and with each truckload or volume shipment there may also be included not to exceed one second-hand (used) freight (not driving trucks for freight vehicles or fire apparatus) or passenger automobile, or one second-hand (used) motorcycle. Ratings do not apply on articles specifically named in ———————————— (insert here reference to the rule in the classification or ———————————— exceptions which names articles of extraordinary value ———————————— not accepted for transportation.) nor on goods shipped for sale or speculation.

Articles not included in the above description will be subject to their less-than-truckload ratings if shipped with household goods.

NOTE 2: If consignor declines to release each article in the shipment to a value not exceeding $5 per pound, the shipment will not be accepted.

The release, which shall be deemed to relate to each article separately and not to the shipment as a whole, must be entered on shipping order and bill of lading in the following form:

"The agreed or declared value of each article in this shipment is hereby specifically stated by the shipper to be not exceeding ——— per pound."

(b) *Changes in ratings or released valuations.* Changes may be made in any ratings or packing specifications established under the authority of this order, but the commodity description may not be broadened to embrace other articles nor may any change be made in the released valuation upon which the ratings are dependent without the specific authority of the Commission.

(c) *Authority for released ratings must be shown in tariff.* Tariffs containing released ratings filed under authority of this order shall show in connection therewith the following notation:

> Ratings herein based on released value have been authorized by the Interstate Commerce Commission in Released Rates Order No. MC-314, FF-56, of September 14, 1950 subject to complaint or suspension.

(d) *Notation required on receipt or bill of lading.* The value declared or agreed upon by the shipper as the released value shall be stated in each bill of lading or receipt issued for property accepted for transportation at the released ratings herein authorized to be established and maintained.

(e) *Carriers and freight forwarders affected.* This order does not constitute authority for the establishment of released ratings on any description of traffic or over the line of any carrier or freight forwarder other than as herein specifically indicated.

(f) *Lawfulness of ratings.* The Commission does not hereby approve the lawfulness, except under sections 20 (11), 219 and 413 of the Interstate Commerce Act, of any ratings which may be filed under authority of this order.

(g) *Application denied in other respects.* The said application, insofar as it requests authority other than that granted by paragraphs (a) to (f) of this section is hereby denied.

(Secs. 403, 405, 413, 56 Stat. 285, 287; 49 U.S.C. 1003, 1005, 1013)

PART 1308—FREIGHT TARIFFS AND SCHEDULES OF WATER CARRIERS

Subpart A—Tariffs of Common Carriers

Sec.

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1308.112 Standard codes for commodity identification.

AUTHORITY: Secs. 304, 306, 54 Stat. 933, 935; 49 U.S.C. 904, 906, unless otherwise noted.

SOURCE: 32 FR 20611, Dec. 20, 1967, unless otherwise noted.

NOTE: This part is applicable to the construction and filing of tariffs and schedules of minimum rates covering the transportation of property by water which was not subject to the jurisdiction of the Federal Maritime Commission or the Interstate Commerce Commission prior to January 1, 1941. Where water common carriers of property elect to file tariffs conforming to the provisions of Part 1300 of this chapter, the provisions of Subpart A of this part do not apply.

CROSS REFERENCE: For other regulations applicable to the construction and filing of tariffs and schedules of water carriers of property subject to the Interstate Commerce Act, see Part 1300 of this chapter.

Subpart A—Tariffs of Common Carriers

§ 1308.0 General provisions; definitions.

(a) *Definitions*—(1) *Tariff.* The term "tariff" as used in this part means a publication stating the rates, charges, and classification of a common carrier, and the rules and regulations which apply in connection therewith.

(2) *Towage.* The term "towage" means the service of towing, pushing or otherwise propelling another vessel (loaded or empty) the property of another, but does not include towage performed for another carrier, common or contract, subject to the Interstate Commerce Act, when the transportation being performed is subject to that act.

(b) *Conformation to regulations, et cetera.* All tariffs applicable on traffic subject to the regulations in this subpart must conform to all of their provisions, except as otherwise authorized by the Commission. They shall state and arrange the rates, charges, rules, and regulations clearly and explicitly in such manner that there will be no doubt of their proper application. Carriers or their agents may not publish rates or provisions which duplicate or conflict with rates or provisions published by or for account of such carriers.

(c) *Nonapplication.* Tariff governed by the regulations in this subpart must not contain:

Joint water-rail rates;
Joint water-motor rates;
Joint water-rail-motor rates;
Passenger fares;
Joint water-freight forwarder rates;
Joint water-rail-freight forwarder rates;
Contract carrier rates or charges.

Furthermore, tariffs published under this subpart must not contain joint rates and through routes over the lines of common carriers by water subject to the Interstate Commerce Act, on the one hand, and vessel-operating common carriers by water engaged in the foreign commerce of the United States, as defined in the Shipping Act, 1916, on the one hand, for the transportation of property between any place in the United States and any place in a foreign country. For applicable regulations, see §§ 1300.67 and 1307.49.

(49 U.S.C. 10321, 10703, 10749, 10762, 10766(b), and 5 U.S.C. 553)

[32 FR 20611, Dec. 20, 1967, as amended at 41 FR 9354, Mar. 4, 1976; 45 FR 86741, Dec. 31, 1980]

§ 1308.1 Construction and filing.

(a)(1) All tariffs and supplements thereto shall be in book or pamphlet form of size 8 inches wide by 11 inches long, and shall be plainly printed on paper of durable quality, from type of size not smaller than 8-point (full face), except that 6-point (full-face) type may be used for explanation of reference marks. The term "printed" includes reproduction by stereotype, mimeograph, planograph, or other similar durable process. All copies posted and filed must be clear and legible in all respects.

(2) No erasure or other alteration shall be made in any tariff or supplement thereto.

(3) A margin of not less than five-eighths of an inch without any printing thereon shall be allowed at the binding edge of each tariff or supplement. No advertising matter shall be included in any tariff or supplement thereto.

(4) Each schedule shall bear an ICC identification. Prior to March 1, 1979, schedules may use either one of two systems of identification, subject to certain restrictions. One is the numbering system whereby each carrier numbers each new issue consecutively. The other is the system employing both alphabetical characters (the code signifying the issuing carrier) and numbers (the carrier's own schedule number including a suffix letter, if any). See § 1308.110—ICC Numbering Systems for details. The first is referred to in these rules as the "ICC number" and the other, while also an ICC number, is differentiated by referring it as "standard ICC designation."

(5) Tariffs shall have each page thereof numbered.

(6) When portions of a tariff or of a supplement thereto are designated as Items, they must be given numbers.

(b) All tariffs and supplements (except as provided in paragraph (c) of this section) must be filed and posted at least 30 days prior to the effective date thereof, unless otherwise authorized by the Commission.

(c) Tariffs published to become effective on the date on which section 306(a) of the Interstate Commerce Act becomes effective, but not thereafter, may be filed and posted upon not less than one day's notice, that is, at least one day prior to the effective date thereof. All subsequent publications must comply with paragraph (b) of this section.

(d) Issuing carriers or their agents shall file with the Commission two copies of each tariff or supplement. Both copies shall be included in the package accompanied by a letter of transmittal (see § 1308.9) listing all publications enclosed, and shall be addressed to the "Interstate Commerce Commission, Section of Tariffs, Washington, D.C. 20423." All postage or other charges must be prepaid.

(Sec. 310a, 5 U.S.C. 553, 558; 49 U.S.C. 5, 6, 12, 20, 304, 310a, 317, 318, 319, 1003, 1005, 1013; sec. 12, 24 Stat. 383 as amended, secs. 5, 6, 12, 24 Stat. 380 as amended, sec. 20, 24 Stat. 386 as amended; 49 Stat. 546, 560, 561, 563, as amended; sec. 210a, 52 Stat. 1237, 1238, as amended; secs. 403, 405, 413, 56 Stat. 285, 287, 295; 80 Stat. 378.)

[32 FR 20611, Dec. 20, 1967, as amended at 43 FR 8544, Mar. 2, 1978]

§ 1308.2 Indication of charges.

All tariffs and supplements shall indicate the changes from preceding issues by use of the following symbols:

● or (R) to denote reductions.
▲ or (A) to denote increases.
♦ or (C) to denote changes, the result of which is neither an increase nor a reduction.

(a) Changes resulting in increases which are not identified by proper symbols shall be considered unlawfully published and filed and therefore invalid and not collectable. In such cases, the lawful provisions will be those which were purportedly superseded. Invalid provisions shall be canceled by publications which shall bring forward, or properly amend, provisions which have remained in effect by reason of invalid publication.

(5 U.S.C. 553; 49 U.S.C. 10762)

[32 FR 20611, Dec. 20, 1967, as amended at 45 FR 60439, Sept. 12, 1980]

§ 1308.3 Title pages.[1]

The title-page of each tariff and supplement shall show in the order named:

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[1] Paragraphs (a), (b), (c), (f), and (h) of this section need not be observed in tariffs containing only charges for towage.

(a) In the upper right-hand corner, either the standard ICC designation or the I.C.C. number of the tariff.

(b) When a tariff is issued canceling a tariff or tariffs previously filed, the standard ICC designation or ICC number (and letter, if any) of each tariff canceled immediately under the designation or number of the new tariff.

(c) Supplements, in addition to showing the ICC number of the tariff amended thereby, shall be numbered consecutively beginning with No. 1 and such information shall be shown in the upper right-hand corner. Supplements shall also show in the upper right-hand corner the number of any previous supplement canceled thereby and also the numbers of the effective supplements containing all changes from the tariff. Example:

Supplement No. 3 to ICC No. 1 cancels Supplement No. 2

Supplements Nos. 1 and 3 contain all changes

(d) The name of the carrier or agent issuing the tariff in the upper central portion of the title-page. The name of the carrier shall be the same as that used in its application for a certificate or in the certificate when issued. If the carrier is not a corporation and a trade name is used, the name of the individual or partners shall precede the trade name. Example:

John Doe and William Doe doing business as A.B.C. Transportation Co.

(e) The character of the tariff; for example, whether local or joint or both; whether class, commodity, or a combination of both.

(f) A brief description of the territories in which, or points from and to which, or between which the rates or charges in the tariff apply.

(g) A reference by name and ICC number to any governing classification, exceptions thereto, or other governing publication which is separately published, posted, and filed (see § 1308.4(f) and (g)). Example:

Governed, except as otherwise provided herein, by the ratings, rules, regulations, packing specifications, and minimum weights of ——— Classification ———, ICC No. ——, supplements thereto and reissues thereof.

In tariffs containing no class rates the word "ratings" should be omitted.

(h) On the lower left side of the title-page, the date of issue; on the right side, opposite the date of issue, the effective date. If the publication contains rates, rules, or regulations effective upon a date different from the general effective date of the publication, notation must be made in connection with the effective date reading, "(Except as otherwise provided herein)" or "(Except as provided in Item ——)" or "(Except as provided on page ——)."

(i) On every tariff or supplement in which all the rates, charges, rules, or regulations are made effective on less than 30 days' notice under authority of the Commission, notation that it is issued on —— days' notice under authority of ——— (here show the authority).

(j) The name, title, and post office address of the individual, officer, or agent issuing the publication.

(Sec. 310a, 5 U.S.C. 553, 558; 49 U.S.C. 5, 6, 12, 20, 304, 310a, 317, 318, 319, 1003, 1005, 1013; sec. 12, 24 Stat. 383 as amended, secs. 5, 6, 12, 24 Stat. 380 as amended, sec. 20, 24 Stat. 386 as amended; 49 Stat. 546, 560, 561, 563, as amended; sec. 210a, 52 Stat. 1237, 1238, as amended; secs. 403, 405, 413, 56 Stat. 285, 287, 295; 80 Stat. 378)

[32 FR 20611, Dec. 20, 1967, as amended at 43 FR 8544, Mar. 2, 1978]

§ 1308.4 Contents.[1]

Tariffs shall contain in the order named:

(a) A table of contents, arranged in alphabetical order, showing the number of the item or page in or on which each subject may be found. If a tariff contains so small a volume of matter that its title-page or interior arrangement plainly discloses its contents, the table of contents may be omitted.

(b) A list of carriers participating in the tariff with reference to the form and number of the power of attorney or concurrence under which publication is made. If desired, this information may be shown on the uppper central portion of the title-page of the tariff in connection with the name of the issuing carrier or agent.

---

[1] Paragraphs (a), (b), (c), (f), and (h) of this section need not be observed in tariffs containing only charges for towage.

(c) A complete index, alphabetically arranged, of all commodities specifically named on which rates, charges, ratings, rules, or regulations are published therein, together with reference to the numbers of the items or pages in or on which they are shown. No index will be required in tariffs of less than five pages or if the commodities are arranged in alphabetical order in the tables or rates and charges.

(d) A complete alphabetical index of all points from and to which rates or charges apply, together with the names of the States in which located and a reference to numbers of the items or pages in or on which the rates or charges from and to such points appear. If the points are arranged in alphabetical order in the rate items or tables, no index will be required.

(e) Explanation of all abbreviations, symbols, and reference marks used in the tariff.

(f) When a tariff names rates by classes, a classification of articles must be published in the tariff or in a separate tariff.

If the rate tariff is governed by a separately published classification, any exceptions to the ratings, rules or other provisions of the classification must be published in the rate tariff or in a separate tariff.

When a separate tariff is used for a Classification or an Exceptions to a Classification, reference must be made thereto on the title-page of the rate tariff in the manner indicated in § 1308.3(g).

(g)(1) The rules and regulations which govern the rates or charges in the tariff. The title or subject of each rule or regulation shall be shown in distinctive type. Under this heading shall be shown all provisions which affect the charges for, or the value of, the service, such as separate charges for demurrage, loading or unloading, or similar services, or whether and to what extent the rates and charges in the tariff include separate services, such as loading, unloading, etc., and any other rules necessary to state plainly the arrangements sought to be established; except that special rules applying to particular rates or charges shall be shown in connection therewith, and on the same page.

(2) If desired, general rules and regulations may be published in a separate tariff, but reference must be made thereto on the title-page or in an appropriate item of the rate tariff, in the manner indicated in § 1308.3(g).

(h) The rates and charges explicitly stated (except as provided in paragraph (i) of this section) in cents, or in dollars and cents, per 100 pounds, per ton of 2,000 pounds, per ton of 2,240 pounds, or other unit of weight, or per barrel or other package, together with the names of the places from and to which they apply, arranged in a simple and systematic manner. Where rates or charges are stated in amounts per package, definite specifications of the packages must be shown.

(i) (Applies only to towage.) A clear statement of the rates and charges stated in cents, or in dollars and cents.

(j) Routing over which the rates apply, stated in such manner that such routes may be definitely ascertained.

[32 FR 20611, Dec. 20, 1967, as amended at 43 FR 972, Jan. 5, 1978]

§ 1308.5 Changes in tariffs.

(a) Unless otherwise authorized by the Commission, rates, charges, ratings, rules, and regulations which have been filed with the Commission must be permitted to become effective and remain in effect for a period of at least 30 days before being changed or canceled.

(b) A change in or addition to a tariff shall be published in a supplement to the tariff or in a reissue thereof. The matter in each supplement shall be arranged in the same general manner and order as in the tariff which it amends.

(c) A change published in a supplement shall cancel specifically the corresponding item or other matter of the tariff or prior supplement which is thereby changed. An item or other unit in its amended form must be published in its entirety.

(d) Any change in or cancellation of an item by supplement must be under the same item number with letter suffix; for example: Item 40-A cancels Item 40; Item 40-B cancels Item 40-A; and so on.

(e) Matter brought forward without change from one supplement to another, must be designated "Reissued" and show the original effective date and the number of the supplement from which it is reissued. For example: "Reissued from Supplement No. ——, effective ——, 19—."

(f) Each tariff or supplement which consists partly but not wholly of matter established upon less than statutory notice shall show in connection with each change made effective on less than statutory notice a notation that such matter is issued on —— days' notice under authority of ——— (here give specific reference to the special permission, decision, order, or other authority).

(g) A tariff containing the number of pages indicated under Column 1 may have in effect at any time not more than the number of supplements and the volume of supplemental matter shown opposite thereto in Columns 2 and 3, respectively. (See § 1308.10.)

Column 1 pages	Column 2 supplements	Column 3 Volume (No. of pages)
1 but not more than 2	0	0
3 but not more than 4	1	2
5 but not more than 12	1	4
13 but not more than 16	1	6
17 but not more than 31	2	(1)
32 but not more than 80	3	
81 but not more than 200	4	
Over 200	5	

[1] 33⅓ percent of the number of pages in the tariff.

(1) *Tariffs of 13 or more pages.* When the number of pages in the supplement which brings the volume of matter up to that authorized in Column 3 is not evenly divisible by 4, that supplement may exceed the volume authorized to the extent of using additional pages within the next multiple of 4.

Example: A tariff of 87 pages is entitled to 4 effective supplements containing 29 pages of matter. If there are three effective supplements, two of which aggregate 20 pages and the other of which contains 4 pages, there are 5 more pages available. Since 5 is not evenly divisible by 4, the fourth effective supplement may contain 8 pages.

(2) *Tariffs of 32 or more pages.* One of the permitted supplements shall not contain in excess of 4 pages.

§ 1308.7 Applications for special permission.

(a) *Applications for short notice.* Applications for permission to publish rates, charges, ratings, rules, or regulations upon less than the 30 days' notice required by the Interstate Commerce Act shall be in form substantially as follows:

APPLICATION FOR SPECIAL PERMISSION

____
(Name of carrier)

____
(Address)

____
(Date)

Application No. ——

INTERSTATE COMMERCE COMMISSION,
WASHINGTON, D.C. 20423.

The (insert name of carrier) hereby petitions the Interstate Commerce Commission for permission under the Interstate Commerce Act to put in force the following rates, charges, ratings, rules, or regulations, to become effective —— days after the filing thereof with the Interstate Commerce Commission.

____

(Here state fully, either specifically or by reference to an accompanying exhibit, the rates, charges, ratings, rules, or regulations which it is desired to put into effect, the articles upon which they are to apply, and the points of origin and destination. If permission is sought to establish a rule or regulation the exact wording of the proposed rule or regulation must be shown.)

Your petitioner further represents that the said (rates, charges, etc., as the case may be) above specified will be published in tariff ICC No. —— (or in a consecutively numbered supplement to ICC No. ——) and will supersede and take the place of the (rates, charges, etc., as the case may be) on like traffic from and to the points above named as set forth in tariff ICC No. ——(or supplement) on file with the Commission —

____

(Here state, either specifically or by reference to an accompanying exhibit, the present rate, rule, etc., together with the ICC number of the tariff in which published.)

____

(Here state the names of competing carriers that publish rates, rules, etc., on the commodity or commodities covered by the application between the same points and the date under which they have been notified of the changes proposed by the application. If competing carriers have expressed their views in regard to the proposal a brief statement of views shall be given.)

____

(Here state the basis on which the proposed rates are constructed.)

Your petitioner bases such request upon the following facts, which present certain special circumstances and conditions justifying the request herein made:

____

(Here state fully all circumstances and conditions which are relied upon as justifying the application and which may aid the Commission in determining the question presented. If short notice is requested, state why the change was not established upon statutory notice.)

____

(Name of carrier)

Subscribed and sworn to before me this
(Only the original need be executed)
—— day of ———, 19—.

____

Notary Public.

(b) *Applications for short notice and waiver of rules.* Where permission is sought to publish upon less than 30 days' notice and also to depart from one or more of the Commission's rules as to publishing or posting tariffs, the form set forth in paragraph (a) of this section shall be used, adding thereto the numbers of the rules, and the reasons waiver is sought.

(c) *Applications for waiver of rules.* Applications for waiver of rules not involving publication on less than 30 days' notice need not be made on any specified form but shall contain a list of the rules waiver of which is sought and the reasons therefor.

(d) Three copies of applications, including amendments thereto and exhibits made a part thereof, shall be addressed to "Secretary, Interstate Commerce Commission, Washington, D.C. 20423." Such applications shall give all the information required, together with any other pertinent facts, shall be made on paper 8 by 10½ inches, and shall be numbered consecutively. Carriers or agents not now filing with this Commission should commence with No. 1, and others should continue their present series of numbers.

(e)(1) Applications must be filed in the correct legal name of the carrier whether an individual, a partnership or a corporation, and must be signed by a duly authorized representative.

(2) When an application is filed by an agent, appropriate change should be made in the introductory paragraph to indicate that it is filed for and on behalf of all carriers participating in the tariff or tariffs covered by the application and shall be signed by said agent.

(f) A desire to meet the rates of a competing carrier which has given statutory notice of change will not of itself be regarded as good cause for permitting changes to be published on less than statutory notice.

§ 1308.8 Powers of attorney and concurrences.

(a) A carrier may give authority to an agent to issue and file tariffs and supplements thereto in its stead, by executing a power of attorney in the following form, size 8 by 10½ inches:

POWER OF ATTORNEY

FX 10 No.———
Cancels FX 10 No.———

____

(Name of Carrier)
(See Notes 1 and 3, § 312.8(g).)

____

(Post office address)
————————, 19—.

Know all men by these presents:

That ———————————— has
(Name of carrier) (See Notes 1 and 3, § 1308.8(g))
(have) made, constituted and appointed, and by these presents does (do) make, constitute and appoint ————————
(Name of principal agent) its (their) attorney and agent to publish and file for it (them) freight tariffs and supplements thereto, as permitted or required of

common carriers of property by water under the Interstate Commerce Act and the Regulations of the Interstate Commerce Commission issued pursuant thereto, and does (do) hereby ratify and confirm all that the said attorney and agent may lawfully do by virtue of the authority herein granted, and does (do) hereby assume full responsibility for the acts and failures to act of said attorney and agent.

That the authority herein granted shall extend until revoked and shall cover all territories and all rates or charges, except as hereinafter stated:

If limited as to time, traffic, or territories, here state the period of time, the traffic and the territory covered.

If the authority runs only to a particular tariff, state its ICC number, the date of issue and effective date if known, and a brief description of its application. If intended also to include reissues thereof, so state.

And, further, That ———— (Name of carrier) (See) Notes 1 and 3, § 1308.8(g)) does (do) hereby make, constitute and appoint ————————
(Name of alternate agent) alternate attorney and agent to do and perform the same acts and exercise the same authority herein granted to ————————
(Name of principal agent) in the event, and only in the event, of the death or disability of ———————— (Name of principal agent) and does (do) hereby ratify and confirm all that the said alternate attorney and agent may lawfully do by virtue of the authority herein granted and does (do) hereby assume full responsibility for the acts and failures to act of said alternate attorney and agent.

————————
(Name of carrier)
(See Notes 1, 2, 3, § 1308.8(g))
By ————————
(See Note 2, § 1308.8(g))
Title ————————
Attested:

————————
Title ————————
(Corporate Seal, if any)

(b) Whenever a carrier desires to concur in tariffs issued and filed by another carrier, a concurrence in the following form, size 8 by 10½ inches, shall be issued in favor of such other carrier. A concurrence may not be used to publish the local rates of another carrier.

CONCURRENCE

FX 11 No. ——
Cancels FX 11 No. ——

————————
(Name of carrier)
(See Notes 1, and 3, § 1308.8(g))

————————
(Post office address)
————————, 19——.

TO THE INTERSTATE COMMERCE COMMISSION,
SECTION OF TARIFFS, WASHINGTON, D.C.
20423.

This is to certify that ———————— (Name of carrier) (See Notes 1 and 3, § 1308.8(g)) assents to and concurs in the publication and filing of tariffs and supplements there to which ———————— may (Name of carrier to whom concurrence is given) publish and file and in which this carrier is shown as a participating carrier and hereby makes itself a party thereto and bound thereby until this instrument is revoked, as follows:

Here state whether the concurrence includes all tariffs or supplements issued by the carrier to whom the concurrence is given, whether and to what extent it is limited to particular rates, charges, ratings, rules, or regulations, or to traffic to, from, at, or via its line, or whether it is limited to a specific tariff (in which event state its ICC number, the date of issue and effective date if known, and a brief description of its application). If intended also to include reissues thereof, so state.

————————
(Name of carrier)
(See Notes 1, 2, and 3 § 1308.8(g))
By ————————
(See Note 2, § 1308.8(g))

(c) A power of attorney or concurrence may be revoked only upon not less than sixty days' notice to the Commission by filing a notice of revocation with the Commission and serving, at the same time, a copy thereof on the agent or carrier in whose favor the power of attorney or concurrence was executed. Such revocation notice shall be in the following form on paper of size 8 by 10½ inches and shall specify a date upon which the revocation is to become effective, which must be not less than sixty days subsequent to the date of its receipt by the Commission. A revocation notice must be signed and otherwise executed in the same manner as the form which it revokes. (See Note 2, paragraph (g) of this section.)

REVOCATION NOTICE

(Power of Attorney)

——————————

(Name of carrier)
(See Notes 1 and 3, § 1308.8(g))

——————————

(Post office address)
——————————, 19—.

Know all men by these presents:

Effective ————————, 19—, power of attorney FX 10 No. issued by ———————— (Name of carrier) in favor of ———————————— (Here show name of agent (and alternate agent) in whose favor power of attorney was executed) is hereby canceled and revoked.

——————————————————

(Name of carrier)
(See Notes 1, 2, and 3, § 1308.8(g))
By ——————————————
(See Note 2, § 1308.8(g))
Title ——————————————
Attested:
Title ——————————————
(Corporate Seal, if any)
Duplicate mailed to ———— at ————
Date duplicate mailed ————————

REVOCATION NOTICE

(Concurrence)

——————————

(Name of carrier)
(See Notes 1 and 3, § 1308.8(g))

——————————

(Post office address)
——————————, 19—.

TO THE INTERSTATE COMMERCE COMMISSION, SECTION OF TARIFFS, WASHINGTON, D.C. 20423.

Effective ————————, 19—, concurrence form FX 11 No. ———— issued by ———————— (Name of carrier) in favor of ———————————— (Here show name of carrier in whose favor concurrence was issued) is hereby canceled and revoked.

——————————————————

(Name of carrier)
(See Notes 1, 2, and 3, § 1308.8(g))
By ——————————————————
(See Note 2, § 1308.8(g))
Title ——————————————————
Duplicate mailed to ———— at ————
Date duplicate mailed ————————————

(d) The original of all powers of attorney, concurrences and revocation notices shall be filed with the Commission and a duplicate thereof sent to the agent or carrier in whose favor the document is issued. Powers of attorney and concurrences shall be in separate series and numbered consecutively, commencing with No. 1 for each series. Revocation notices shall bear no serial number but shall specify the form and number of the instrument to be revoked.

(e) A carrier that grants authority to an agent or to another carrier to publish and file certain of its rates or provisions must not in its own issues publish rates or provisions which duplicate or conflict with those which are published by such authorized agent or other carrier, and must not grant duplicating or conflicting authority to another agent or carrier.

(f) All carriers parties to tariffs making reference to separate publications for classification ratings, exceptions thereto, rules, or other provisions affecting the rates or the services rendered, except such carriers as indicate by restrictions published in the tariffs making reference to such separate publications that they will not apply to provisions therein, shall also be participating carriers in such separate governing publications. This paragraph does not require participation in local terminal tariffs or tariffs containing other provisions which are local to the lines publishing such tariffs.

(g) Explanation of notes referred to in this section:

NOTE 1: In the blank space for the name of the carrier, there shall be shown, if the carrier is an individual, the individual name followed by the trade name, if any. If the carrier is a partnership, the correct names of all partners must be given, followed by the trade name, if any. If the carrier is a corporation, the correct corporate name must be used.

NOTE 2: Powers of attorney, concurrences and revocation notices shall be signed only with the individual name of the carrier, if the carrier is an individual, and shall be signed by all of the partners individually, if a partnership. If the carrier is a corporation, a power of attorney shall be signed by the president or vice president, attested by the secretary, and the corporate seal affixed, and a concurrence shall be signed by any official of the company, provided his title is shown.

NOTE 3: In all cases the name of the carrier shall be identical with the name used in the application for a certificate or in the certificate when issued.

§ 1308.9 Letters of transmittal.

Letters of transmittal shall be on paper of size 8 by 10½ inches and in substantially the following form. They should be submitted in duplicate if a receipt is desired.

FORM OF LETTER OF TRANSMITTAL

(Name of carrier, or agent filing under power of attorney, in full)

Address ——————
Date ——————
Transmittal No. ——————

To THE INTERSTATE COMMERCE COMMISSION, SECTION OF TARIFFS, WASHINGTON, D.C. 20423.

Accompanying publication or publications hereinafter designated are sent you for filing in compliance with the requirements of the Interstate Commerce Act.

ICC No. —— Supplement No. ——
Effective Date ——————

——————————————

(Signature of filing officer or agent)

§ 1308.10 Periodical tariffs.

(a) A tariff may provide that it will be reissued periodically at specified times, not more than twelve months apart. Such tariff must bear on the upper left corner of the title page the notation:

This tariff will be reissued effective on or before ———, 19—.

(b) Supplements to such tariff may contain all amendments thereto without limit as to volume.

(c) Unless the date fixed for reissue of a particular tariff is strictly observed, future issues of that tariff may not be published under authority of this section.

§ 1308.11 Rejection of tariffs and notices of revocation.

(a) Any tariff or schedule, tendered for filing, which fails to give lawful notice of changes in rates, charges or other provisions which it proposes to establish, or which fails to meet the requirements of the regulations contained in this chapter, or violates any order of the Commission or of a court, is subject to rejection by the Commission. When a tariff or schedule is rejected, the Commission, acting through a designated administrative officer, will inform the carrier or the agent who tendered it for filing, in writing, of the reasons for rejection, and will return the rejected tariff or schedule to such carrier or agent.

(b) The number assigned to a tariff or schedule which has been rejected may not again be used. The rejected tariff or schedule may not be referred to in any subsequent tariff or schedule as having been canceled, amended or withdrawn, but the tariff or schedule which is published in its stead must bear the following notation: "Issued in lieu of (here identify the rejected schedule or tariff), rejected by the Commission."

(c) A notice of the revocation, complete or partial, of a concurrence or power of attorney which, if it were to become effective, would require the establishment of rates, fares, or charges in violation of an order of the Commission or of a court, or of the regulations in this chapter, may be rejected in the same manner as a tariff or schedule, and any such notice of revocation which would require the establishment of rates, fares or charges of doubtful lawfulness may be suspended.

§ 1308.12 Transmission of publications to subscribers.

(a) Except as otherwise authorized in paragraphs (b) and (d) of this section, one copy of each new tariff, supplement, and loose-leaf page must be transmitted to each subscriber thereto by first-class mail (or other means requested in writing by subscriber) not later than the time the copies for official filing are transmitted to the Commission. The letter of transmittal accompanying the copies to the Commission must contain the following certification:

I hereby certify that I have on or before this day sent one copy of each publication listed hereon to each subscriber thereto by first-class mail, or by other means of transmission agreed upon in writing by the subscriber.

Signature of person
transmitting publication(s)

Date

(b) If a new tariff or supplement is filed which in its entirety is published under an authority from this Commission to publish and file without notice or on notice of less than ten days, or, if a new loose-leaf page is filed which contains a provision published under an authority from this Commission to publish and file without notice or on notice of less than ten days, paragraph (a) of this section need not be complied with as to such publication if it cannot be or compliance would cause excessive delay, but one copy of such publication must be transmitted to each subscriber thereto by first-class mail (or other means requested in writing by subscriber) within five calendar days, starting with the calendar day following that on which the copies for official filing are transmitted to the Commission, and the letter of transmittal to the Commission must contain the following certification:

I hereby certify that I will within five calendar days after today send one copy of each publication listed hereon to each subscriber thereto by first-class mail, or by other means of transmission agreed upon in writing by the subscriber.

Signature of person
transmitting publication(s)

Date

Included in this exception are supplements issued for the purpose of announcing suspensions made by the Commission and publications (published in the name of a carrier only) announcing adoptions.

(c) When copies of different publications are transmitted to the Commission at the same time, some copies of which have been transmitted to subscribers in compliance with paragraph (a) of this section and some copies of which will be transmitted to subscribers in compliance with paragraph (b) of this section, two letters of transmittal must accompany the copies to the Commission, one complying with paragraph (a) of this section and the other complying with paragraph (b) of this section.

(d) If there are no subscribers to any publication listed on a letter of transmittal accompanying the copies for official filing to the Commission, the letter of transmittal must contain the following certification:

I hereby certify that there are no subscribers to the publication(s) listed hereon.

Signature of person
transmitting publication(s)

Date

If copies of different publications are transmitted to the Commission at the same time, some of which are subscribed to and some of which are not, only the provisions of paragraphs (a) or (b) of this section, or both, as the case may be, need be complied with.

(e) Expedited service (when transmitting one copy of each publication) must be provided to each subscriber requesting it. The cost of this service may be passed on to the subscriber.

(f) Carriers and agents shall furnish without delay one copy of any of their tariff publications, effective or published but not yet effective, to any person upon reasonable request therefor at a reasonable charge not to exceed that assessed a subscriber.

(g) As used herein, the term "subscriber" means a party who voluntarily or upon reasonable request is furnished at least one copy of a particular tariff and amendments thereto (including reissues thereof) by the publishing carrier or agent. The term does not, however, pertain to requests for a copy or copies of a tariff without a request for future amendments thereto.

[40 FR 7658, Feb. 21, 1975, as amended at 40 FR 25678, June 18, 1975]

§ 1308.13 ICC numbering systems.

(a) *Compliance.* Until March 1, 1979, every tariff must bear either an I.C.C. (or ICC) number or a standard ICC designation as set forth in paragraphs

(b) and (c), respectively, of this section. Every effective tariff on file with this Commission on that date and every tariff which is indicated to become effective after that date must bear a standard ICC designation as set forth in paragraph (c) of this section. Conversion from the consecutive I.C.C. (or ICC) system to the standard ICC designation system shall be accomplished in the manner set forth in paragraph (d) of this section.

(b) *I.C.C. (or ICC) numbers.* The I.C.C. (or ICC) numbers shall run consecutively beginning with the next consecutive number in the existing series or, if no tariffs have been issued previously, beginning with I.C.C. (or ICC) No. 1. If a carrier files both contract carrier schedules and common carrier tariffs, only one series of numbers should be used.

(c) *Standard ICC designation.* (1) The standard ICC designation shall be constructed by use of the characters "ICC," by use of a unique standard tariff, carrier, or agent code consisting of a minimum of two and a maximum of four alphabetical characters, and by use of a standard tariff number assigned according to the type of tariff, and in that order. For example, if the carrier or agent or the specific tariff has been assigned the code ABCD and the tariff has been given the number 2000 by the carrier or agent, the ICC designation would be "ICC ABCD 2000." Tariffs containing rates or other provisions published to apply on emergency movements authorized by this Commission under section 311 of the Interstate Commerce Act may be filed without a standard carrier code when the party to whom the authority is issued has not been issued a code. Such tariffs, however, must comply fully with all other requirements of this paragraph.

(2)(i) The codes shall be assigned by the transportation industry. Only one code shall be assigned to each carrier (even if carrier is of more than one mode) or agent (see paragraphs (c)(2)(ii) and (iii) for exceptions). Each code shall be unique for the carrier or agent to which it is assigned and may not be used by any other, regardless of mode. Each carrier or agent must use only the code assigned thereto and may not use any other, except where a separate code has been authorized for a particular tariff series. A carrier or agent may request that it be assigned a specific code (regardless of whether or not one has been previously assigned), which must be appropriate and not duplicate any other. To the greatest extent practicable, the first two letters of the requested code must relate to the carrier's or agent's name. "A," "An," or "The" forming part of the name of the carrier or agent should not be considered when requesting a code. A court-appointed receiver, trustee, et cetera, who assumes possession and operating control of a carrier's lines, whether in whole or in part, shall use the old carrier's code. In all other cases where the name of a carrier is lawfully changed or the operating control of a carrier's properties is lawfully transferred in whole or in part to another party under authority of an order of this Commission, and the filing of an adoption notice is required, the code of the new carrier shall be used on the adoption notice and on all original tariffs filed thereafter in the name of the new carrier. (Where there is a change in the name of the carrier or agent without a change in ownership of a carrier or identity of an agent, a new code shall be assigned unless retention of the same code is authorized by the Commission. Exception: A code assigned for use on a specific tariff of an agent must continue to be used on that tariff. See paragraph (c)(2)(ii) of this section.) A code which has been previously but is no longer assigned may be reassigned after its prior assignment has been canceled for at least 5 years. All requests for codes shall be in writing.

(ii) Consideration shall be given to requests for the assignment of specific codes to specific types of governing tariffs which have a substantial nationwide application for a substantial number of participating carriers. The requested code must not duplicate any other. Such a code shall be assigned only to a tariff published and filed in the name of an agent. To the greatest extent possible a requested code must coincide with the first letter of the primary words in the title of the tariff.

Only one such code shall be assigned to a tariff. Each code shall be unique for the specific tariff series to which it is assigned and may not be used by the agent on any other tariff or by any carrier or other agent.

(iii) Consideration shall be given to requests for assignment of a separate code to a carrier for use in identifying separately a division or district of the carrier. The requested code must not duplicate any other. This code shall be in addition to the base code assigned the carrier under the provisions of paragraph (c)(2)(i) of this section. The additional code shall be constructed by the use of the base code together with an appropriate letter suffix, designating the particular district or division thereof, which, including the suffix, may not exceed four alphabetical characters. Where the base code consists of four characters, the letter suffix shall be added to the first three characters of the base code.

(iv) The transportation industry shall file with the Commission in tariff form a list of the assigned alphabetical codes and the names of the carriers and agents to which they are assigned. This tariff shall be amended every three months (if the list has changed during that period) to maintain it in an updated condition. The amendments shall amend the list to the extent of showing changes, additions, and cancellations. The tariff, if in bound form, shall comply with the supplemental and volume limitations for tariffs provided in Part 1310 of this chapter. Partial amendments to the list may be shown in each supplement, and more than one partial amendment may be in effect at the same time. Only one tariff containing a list of codes may be in effect at one time.

(3) A standard tariff number assigned to a tariff shall consist of not more than four digits. The grouping of the numbers shall be established by the carrier or agent according to the particular types of tariffs involved, and the number assigned to a tariff must conform to that grouping.

(4) The assigned number will remain the same from reissue to reissue of the tariff. A new tariff, not a reissue, shall not show a letter suffix following the tariff number, and the first reissue of it shall show the letter suffix A, the next reissue B, and so on until Z, following which the letter suffix A will again be used and the process repeated. In the example, in paragraph (c)(1) of this section, the first reissue of tariff ICC ABCD 2000 would be ICC ABCD 2000-A, the next reissue ICC ABCD 2000-B, and so on. Where the ICC number of a tariff is changed to a standard ICC designation, there may be no letter suffix, or as an alternative, any letter suffix may be used, and reissues proceeding from there alphabetically. A carrier or agent may not on any of its tariffs provide a tariff number for its own purpose that is different in any respect from that used in the ICC designation, and whole numbers (not fractional or decimal) must be employed. The purpose is to dispense with and prohibit dual systems of numbering any tariff.

(5) A standard tariff number which has been previously but is no longer assigned and used on an effective tariff may be reassigned after the last tariff to which it was assigned has been canceled for at least five years.

(6) When a carrier or agent adopts the standard ICC designation system and obtains a code, it must continue to use such system and file no new tariffs using the ICC consecutive numbering system. The ICC designation of a tariff which employs this system may not be changed.

(7) Any tariff which refers to another as a governing publication or otherwise, using the standard ICC designation in such reference must clearly spell out the name of the carrier or agent whose tariff it is, or under the Explanation of Abbreviations or other appropriate place in the tariff explain the code as to the name of the carrier or agent for which it stands. If the code is assigned to the tariff, the explanation must clearly identify the tariff, including the name of the issuing agent.

(8) Tariffs that use numerical or alphabetical codes to identify carriers in connection with routing, participating carrier lists, et cetera, must convert such codes to the standard carrier codes not later than March 1, 1981.

(9) In applying the regulations in this subpart in connection with tariffs

issued in, or converted to, the standard ICC designation system, any reference in such regulations, either expressed or implied, to the ICC consecutive numbering system and to "series" shall be construed to apply as well to the standard ICC designation system.

(d) *Conversion to new system.* (1) Each carrier or agent must obtain its standard code before it adopts the standard ICC designation system. A carrier or agent may elect to convert to the standard system only as each tariff is reissued, or a new one (not a reissue) is published, or in the alternative to convert all its existing tariffs at one time. In any event, all tariffs, except as otherwise provided in § 1308.13(c)(8), must be converted by March 1, 1979. If all existing tariffs are converted at one time, the notice of the conversion in each tariff shall be made by special supplement. Such supplement shall contain no other matter, shall not be canceled, shall be considered exempt from the supplemental limitations in this subpart for the life of the tariff involved, and shall be shown as a supplement to the tariff. The supplement may be published on not less than 1 day's notice, and shall contain a notice reading substantially as follows:

NOTICE OF CHANGE OF ICC NUMBER

Effective (here show date which is next following the general effective date of the supplement) the ICC designation of this tariff, as heretofore amended, is changed to (here show new tariff designation). All amendments to this tariff will hereafter use the new designation.

Any reference in any other tariff to this tariff by the previous ICC designation shall be construed as referring to this tariff by the new designation.

(2) Any reference in one tariff to another tariff by its old ICC number, after such referred-to tariff has been reissued or converted using the standard ICC designation system, must be corrected by publication(s) filed within 60 days of the effective date of the changed designation. Such references may be corrected upon not less than 1 day's notice. A supplement issued to a bound tariff for the purpose of effecting such correction, and containing no other matter, may be issued and maintained without regard to the supplemental matter limitations of this subpart. If the corrections as to any particular bound tariff would require more than one page of tariff matter, corrections may be made by "Amendment to . . ." an item or other tariff unit provided the supplement contains only such corrective matter and is retained as a separate effective supplement (not reissued) for the life of the tariff or until all affected amended tariff items or units are reissued. Use of blanket form of supplement (a common supplement to two or more tariffs) to bound tariffs is authorized subject to the same conditions set forth in this subparagraph.

(3) A loose-leaf tariff may only be changed to the standard ICC designation system, without complete reissue, by issuance of the supplement authorized in this paragraph plus a revised title page (effective the same date as the supplement and upon the same notice), subject to the further condition that the new title page and each new or revised page issued thereafter shall show in connection with the standard ICC designation the words "Formerly ICC" followed by the old number.

(4) Tariffs (not supplements or loose-leaf page revisions) which are completely compiled and in the hands of the printer for publication, not filed, at the time of the complete changeover by a carrier or by an agent, which bear the old-type ICC designation, may be filed if accompanied by the supplement authorized in this paragraph and in the case of a loose-leaf tariff by revised title page, and the circumstances explained in the letter of transmittal accompanying the filing.

(Sec. 310a, 5 U.S.C. 553, 558; 49 U.S.C. 5, 6, 12, 20, 304, 310a, 317, 318, 319, 1003, 1005, 1013; sec. 12, 24 Stat. 383 as amended, secs. 5, 6, 12, 24 Stat. 380 as amended, sec. 20, 24 Stat. 386 as amended; 49 Stat. 546, 560, 561, 563, as amended; sec. 210a, 52 Stat. 1237, 1238, as amended; secs. 403, 405, 413, 56 Stat. 285, 287, 295; 80 Stat. 378)

[43 FR 8544, Mar. 2, 1978]

§1308.14 Codes for identification of places.

(a) *Definition.* As used in this part, the term "code for identification of places" means any numeric or alphabetic system used to represent, or identify, places, points, facilities, or locations.

(b) *Use.* Codes for identification of places may be used instead of, or in addition to, the naming of places, points, facilities, or locations; provided that an explanation of the code (showing the code together with the name of the place, point, facility, or location represented by the code) is contained in the same tariff utilizing the code, or in a separate tariff specifically named as a governing publication.

(c) *Listing.* When codes for identification of places are used in lieu of named places, and if the regulations in this part require the place names to be published in alphabetical order, the codes for identification of places shall be published in numerical order (if a numeric code) or in alphabetical order (if an alphabetic code).

[46 FR 34804, July 6, 1981]

§ 1308.15 Standard codes for commodity identification.

(a) *Definition.* As used in this part, the term "standard transportation commodity code" (STCC) means the standard transportation commodity codes assigned by the Association of American Railroads as contained in tariffs filed with the Commission.

(b) *Use.* Standard transportation commodity codes may be used instead of, or in addition to, the naming of commodities in tariffs or schedules. In the event that a tariff code description would be at variance with its accompanying named-commodity description, the presumption is that the named commodity description is accurate, and that the code description is inaccurate. This presumption may be rebutted by a showing of clear evidence of the commodity actually transported. Tariffs or schedules using the codes shall contain, or refer to a tariff publication which contains, the code assignments. Carriers do not need to be shown as participants in the code assignment tariff, and any tariff or schedule may refer to it. The standard transportation commodity codes are the only codes, standing alone, that may be used to identify commodities.

(c) *Listing.* When commodity codes are used in lieu of named commodities, and where the regulations in this part require commodity names to be published in alphabetical order, the standard transportation commodity codes shall be published in numerical order.

(5 U.S.C. 553; 49 U.S.C. 10762)

[45 FR 60441, Sept. 12, 1980]

Subpart B—Schedules of Contract Carriers

§ 1308.100 General provisions; definitions.

(a) *Conformation to regulations, etc.* All schedules filed must conform to the regulations in this subpart, except as otherwise authorized by the Commission. They shall state and arrange the rates, charges, rules, and regulations clearly and explicitly in such manner that there will be no doubt of their proper application. Common carrier rates and charges must not be included in schedules of contract carriers.

(b) *Definitions*—(1) *Schedule.* The term "schedule" as used herein means a publication of a contract carrier stating minimum rates and charges, and the rules or regulations which apply in connection therewith.

(2) *Minimum rates and minimum charges.* The terms "minimum rates" and "minimum charges" as used herein mean minimum rates or charges "actually maintained and charged" by a contract carrier by water for the transportation of property in interstate or foreign commerce.

(3) *Towage.* The term "towage" means the service of towing, pushing, or otherwise propelling another vessel (loaded or empty) the property of another person, but does not include towage under a charter arrangement as defined in paragraph(b)(4) of this section, or towage performed for another carrier, common or contract, subject to the Interstate Commerce Act when the transportation being performed is subject to that act.

(4) *Charter arrangements.* The term "charter arrangements" means the

furnishing for compensation, under a charter, lease, or other agreement, of a vessel, to a person other than a carrier subject to the act, to be used by such person in the transportation of his or its own property.

§ 1308.101 Construction and filing.

(a) (1) All schedules and supplements thereto shall be in book or pamphlet form, of size 8 inches wide by 11 inches long, and shall be plainly printed on paper of durable quality, from type of size not smaller than 8-point (full face), except that 6-point (full face) type may be used for explanation of reference marks. The term "printed" includes reproduction by stereotype, mimeograph, planograph, or other similar durable process. All copies posted and filed must be clear and legible in all respects.

(2) No erasure or other alteration shall be made in any schedule or supplement thereto.

(3) A margin of not less than five-eighths of an inch without any printing thereon shall be allowed at the binding edge of each schedule or supplement. No advertising matter shall be included in any schedule or supplement thereto.

(4) Each schedule shall bear an ICC identification. Prior to March 1, 1979, schedules may use either one of two systems of identification, subject to certain restrictions. One is the numbering system whereby each carrier numbers each new issue consecutively. The other is the system employing both alphabetical characters (the code signifying the issuing carrier) and numbers (the carrier's own schedule number including a suffix letter, if any). See § 1308.110—ICC Numbering Systems for details. The first is referred to in these rules as the "ICC number" and the other, while also an ICC number, is differentiated by referring it as "standard ICC designation."

(5) Schedules shall have each page thereof numbered.

(6) When portions of a schedule or of a supplement thereto are designated as items, they must be given numbers.

(b) All schedules and supplements (except as provided in paragraph (c) of this section) must be filed and posted at least 30 days prior to the effective date thereof, unless otherwise authorized by the Commission.

(c) Schedules published to become effective on the date on which section 306(e) of the Interstate Commerce Act becomes effective, but not thereafter, may be filed and posted upon not less than one day's notice, that is at least one day prior to the effective date thereof. All subsequent publications must comply with paragraph (b) of this section.

(d) Issuing carriers shall file with the Commission two copies of each schedule or supplement. Both copies shall be included in one package accompanied by a letter of transmittal (in duplicate if a receipt is desired) listing all publications enclosed, and shall be addressed to the "Interstate Commerce Commission, Section of Tariffs, Washington, D.C. 20423." All postage or other charges must be prepaid.

(Sec. 310a, 5 U.S.C. 553, 558; 49 U.S.C. 5, 6, 12, 20, 304, 310a, 317, 318, 319, 1003, 1005, 1013; sec. 12, 24 Stat. 383 as amended, secs. 5, 6, 12, 24 Stat. 380 as amended, sec. 20, 24 Stat. 386 as amended; 49 Stat. 546, 560, 561, 563, as amended; sec. 210a, 52 Stat. 1237, 1238, as amended; secs. 403, 405, 413, 56 Stat. 285, 287, 295; 80 Stat. 378)

[32 FR 20611, Dec. 20 1967, as amended at 43 FR 8546, Mar. 2, 1978]

§ 1308.102 Indication of changes.

All schedules and supplements shall indicate the changes from preceding issues by use of the following symbols:

▼ or (R) to denote reductions.
◆ or (A) to denote increases.
▲ or (C) to denote changes, the result of which is neither an increase nor a reduction.

§ 1308.103 Title pages.

The title page of each schedule and supplement shall show in the order named:

(a) In the upper right-hand corner, either the standard ICC designation or the ICC number of the schedule.

(b) When a schedule is issued canceling a schedule or schedules previously filed, the standard ICC designation or ICC number (and letter, if any) of each schedule canceled immediately under the designation or number of the new schedule.

(c) Supplements, in addition to showing the ICC number of the schedule amended thereby, shall be numbered consecutively beginning with No. 1 and such information shall be shown in the upper right-hand corner. Supplements shall also show in the upper right-hand corner the number of any previous supplement canceled thereby and also the numbers of the effective supplements containing all changes from the schedule. Example:

Supplement No. 3

to

ICC No. 1

cancels Supplement No. 2

Supplements Nos. 1 and 3 contain all changes

(d) The name of the carrier issuing the schedule in the upper central portion of the title-page. The name of the carrier shall be the same as that used in its application for a permit or in the permit when issued. If the carrier is not a corporation and a trade name is used, the name of the individual or partners shall precede the trade name. Example:

John Doe and William Doe

doing business as

A.B.C. Transportation Co.

(e) A brief description of the territories in which, or points from and to which, the minimum rates or charges in the schedule apply.

(f) On the lower left side of the title-page, the date of issue; on the right side, opposite the date of issue, the effective date. If the publication contains rates, rules, or regulations effective upon a date different from the general effective date of the publication, notation must be made in connection with the effective date reading, "(Except as otherwise provided herein)" or "(Except as provided in Item —)" or "(Except as provided on page —)."

(g) On every schedule or supplement in which all the rates, charges, rules, or regulations are made effective on less than 30 days' notice under authority of the Commission, there shall be shown a notation that it is issued on —— days' notice under authority of ———————— (here show the authority).

(h) The name, title, and post office address of the individual or officer issuing the publication.

(Sec. 310a, 5 U.S.C. 553, 558; 49 U.S.C. 5, 6, 12, 20, 304, 310a, 317, 318, 319, 1003, 1005, 1013; sec. 12, 24 Stat. 383 as amended, secs. 5, 6, 12, 24 Stat. 380 as amended, sec. 20, 24 Stat. 386 as amended; 49 Stat. 546, 560, 561, 563, as amended; sec. 210a, 52 Stat. 1237, 1238, as amended; secs. 403, 405, 413, 56 Stat. 285, 287, 295; 80 Stat. 378)

[32 FR 20611, Dec. 20, 1967, as amended at 43 FR 8546, Mar. 2, 1978]

§ 1308.104 Contents.[1]

Schedules shall contain in the order named:

(a) A table of contents arranged in alphabetical order showing the number of the item or page in or on which each subject may be found. If a schedule contains so small a volume of matter that its title-page or interior arrangement plainly discloses its contents, the table of contents may be omitted.

(b) A complete index, alphabetically arranged, of all commodities on which rates or charges are shown in the schedule, together with reference to the numbers of the items or pages in or on which they are shown. No index will be required in schedules of less than five pages or if the commodities are arranged in alphabetical order in the tables of rates or charges.

(c) A complete alphabetical index of all points from and to which rates or charges apply, together with the names of the States in which located and a reference to the numbers of the items or pages in or on which the rates or charges from and to such points appear. If the points are arranged in alphabetical order in the rate items or tables, no index will be required.

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[1] Paragraphs (a), (b), and (f) of this section need not be observed in schedules containing only charges for towage or charter arrangements, and paragraph (c) need not be observed in schedules containing only charges for charter arrangements.

(d) Explanation of all abbreviations, symbols, and reference marks used in the schedule.

(e) Rules and regulations which govern the rates or charges in the schedule, including all provisions that affect the charge for, or the value of, the service, such as separate charges for demurrage, loading or unloading, or similar services, or whether and to what extent the rates and charges in the schedule include separate services such as loading, unloading, etc.

(f) An explicit statement of minimum rates and charges actually maintained and charged, stated (except as provided in paragraph (g) of this section) in cents, or in dollars and cents per 100 pounds, per ton of 2,000 pounds, per ton of 2,240 pounds, or other unit of weight. Where it is found impracticable to state rates or charges per unit of weight, units of measurement such as per cubic foot, or charges per barrel or other package, or per bargeload, may be used. Where rates are stated in amounts per package or per bargeload, definite specifications of the package or barge must be shown.

(g) (Applies only to towage and charter arrangements.) A clear statement of the minimum rates and charges actually maintained and charged, stated in cents, or in dollars and cents.

§ 1308.105 Changes in schedules.

(a) Unless otherwise authorized by the Commission, rates and charges which have been filed with the Commission must be permitted to become effective and remain in effect for a period of at least 30 days before being changed or canceled.

(b) A change in or addition to a schedule shall be published in a supplement to the schedule or in a reissue thereof. The matter in each supplement shall be arranged in the same general manner and order as in the schedule which it amends.

(c) A change published in a supplement shall cancel specifically the corresponding item or other matter of the schedule or prior supplement which is thereby changed. An item or other unit in its amended form must be published in its entirety.

(d) Any change in or cancellation of an item by supplement must be under the same item number with letter suffix; for example: Item 40-A cancels Item 40; Item 40-B cancels Item 40-A; and so on.

(e) Matter brought forward without change from one supplement to another, must be designated "Reissued" and show the original effective date and the number of the supplement from which it is reissued. For example: "Reissued from Supplement No. ——, effective ————, 19——."

(f) Each schedule or supplement which consists partly but not wholly of matter established upon less than statutory notice shall show in connection with each change made effective on less than statutory notice a notation that such matter is issued on —— days' notice under authority of ———— (here give specific reference to the special permission, decision, order, or other authority).

§ 1308.106 Posting regulations.

Each carrier shall post in a public and conspicuous place at its principal place of business and at each other office at which an agent authorized to enter into contractual arrangements is located all of its schedules, including supplements thereto. Each said schedule and supplement shall be forwarded to the carrier's agent at the same time that it is forwarded to the Commission. Upon its receipt by the agent, there shall be written or stamped upon its title page the date upon which it is received. All schedules and supplements so posted shall be kept in an orderly manner and be open to public inspection and examination at all reasonable times.

§ 1308.107 Applications for special permission.

(a) *Applications for short notice.* Applications for permission to publish rates, charges, rules, or regulations upon less than the 30 days' notice required by the Interstate Commerce Act shall be in form substantially as follows:

APPLICATION FOR SPECIAL PERMISSION

____

(Name of carrier)

____

(Address)

____

(Date)

Application No. ——

INTERSTATE COMMERCE COMMISSION,
WASHINGTON, D.C. 20423.

The (insert name of carrier) hereby petitions the Interstate Commerce Commission for permission under the Interstate Commerce Act to put in force the following minimum rates or charges (or rules or regulations), to become effective —— days after the filing thereof with the Interstate Commerce Commission

____

(Here state fully, either specifically or by reference to an accompanying exhibit, the rates, charges, rules, or regulations which it is desired to put into effect, the articles upon which they are to apply, and the points of origin and destination. If permission is sought to establish a rule or regulation the exact wording of the proposed rule or regulation must be shown)

Your petitioner further represents that the said (rates, charges, etc., as the case may be) above specified will be published in schedule I.C.C. No. —— (or in a consecutively numbered supplement to I.C.C. No. ——) and will supersede and take the place of the (rates, charges, etc., as the case may be) on like traffic from and to the points above named as set forth in schedule I.C.C. No. ——(or supplement) on file with the Commission.

____

(Here state, either specifically or by reference to an accompanying exhibit, the present rate, rule, etc., together with the I.C.C. number of the schedule in which published)

____

(Here state the names of competing carriers that publish rates, rules, etc., on the commodity or commodities covered by the application between the same points and the date under which they have been notified of the changes proposed by the application. If competing carriers have expressed their views in regard to the proposal, a brief statement of views shall be given.)

Your petitioner bases such request upon the following facts, which present certain special circumstances and conditions justifying the request herein made:

____

(Here state fully all circumstances and conditions which are relied upon as justifying the application and which may aid the Commission in determining the question presented. If short notice is requested, state why the change was not established upon statutory notice.)

____

(Name of carrier)

Subscribed and sworn to before me this ——— day of ——— 19—.

(Only the original need be executed)

____

Notary Public.

(b) *Applications for short notice and waiver of rules.* Where permission is sought to publish upon less than 30 days' notice and also to depart from one or more of the Commission's rules as to publishing or posting schedules, the form set forth in paragraph (a) of this section shall be used, adding thereto the numbers of the rules, and the reasons waiver is sought.

(c) *Applications for waiver of rules.* Applications for waiver of rules not involving publication on less than 30 days' notice need not be made on any specified form but shall contain a list of the rules waiver of which is sought and the reasons therefor.

(d) Three copies of applications, including amendments thereto and exhibits made a part thereof, shall be addressed to "Secretary, Interstate Commerce Commission, Washington, D.C. 20423." Such applications shall be made on paper 8 x 10½ inches, shall be numbered consecutively, beginning with No. 1, and shall give all the information required, together with any other pertinent facts.

(e) Applications must be filed in the correct legal name of the carrier whether an individual, a partnership or a corporation, and must be signed by a duly authorized representative.

§ 1308.108 Rejection of tariffs or schedules.

(a) Any tariff or schedule, tendered for filing, which fails to give lawful notice of changes in rates, charges or other provisions which it proposes to establish, or which fails to meet the requirements of the regulations contained in this chapter, or violates any order of the Commission or of a court, is subject to rejection by the Commission. When a tariff or schedule is rejected, the Commission, acting through a designated administrative officer, will inform the carrier or the agent who tendered it for filing, in writing, of the reasons for rejection, and will return the rejected tariff or schedule to such carrier or agent.

(b) The number assigned to a tariff or schedule which has been rejected may not again be used. The rejected tariff or schedule may not be referred to in any subsequent tariff or schedule as having been canceled, amended or withdrawn, but the tariff or schedule which is published in its stead must bear the following notation: "Issued in lieu of (here identify the rejected schedule or tariff), rejected by the Commission."

§ 1308.109 Transmission of publications to subscribers.

(a) Except as otherwise authorized in paragraphs (b) and (d) of this section, one copy of each new schedule, supplement, and loose-leaf page must be transmitted to each subscriber thereto by first-class mail (or other means requested in writing by subscriber) not later than the time the copies for official filing are transmitted to the Commission. The letter of transmittal accompanying the copies to the Commission must contain the following certification:

> I hereby certify that I have on or before this day sent one copy of each publication listed hereon to each subscriber thereto by first-class mail, or by other means of transmission agreed upon in writing by the subscriber.

Signature of person transmitting publication(s)

Date

(b) If a new schedule or supplement is filed which in its entirety is published under an authority from this Commission to publish and file without notice or on notice of less than ten days, or if a new loose-leaf page is filed which contains a provision published under an authority from this Commission to publish and file without notice or on notice of less than ten days, paragraph (a) of this section need not be complied with as to such publication if it cannot be or compliance would cause excessive delay, but one copy of such publication must be transmitted to each subscriber thereto by first-class mail (or other means requested in writing by subscriber) within five calendar days, starting with the calendar day following that on which the copies for official filing are transmitted to the Commission, and the letter of transmittal to the Commission must contain the following certification:

> I hereby certify that I will within five calendar days after today send at least one copy of each publication listed hereon to each subscriber thereto by first-class mail, or by other means of transmission agreed upon in writing by the subscriber.

Signature of person transmitting publication(s)

Date

Included in this exception are supplements issued for the purpose of announcing suspensions made by the Commission and publications (published in the name of a carrier only) announcing adoptions.

(c) When copies of different publications are transmitted to the Commission at the same time, some copies of which have been transmitted to subscribers in compliance with paragraph (a) of this section and some copies of which will be transmitted to subscribers in compliance with paragraph (b) of this section, two letters of transmittal must accompany the copies to the Commission, one complying with paragraph (a) of this section and the other complying with paragraph (b) of this section.

(d) If there are no subscribers to any publications listed on a letter of transmittal accompanying the copies for official filing to the Commission, the letter of transmittal must contain the following certification:

> I hereby certify that there are no subscribers to the publication(s) listed hereon.

____
Signature of person
transmitting publication(s)

____
Date

If copies of different publications are transmitted to the Commission at the same time, some of which are subscribed to and some of which are not, only the provisions of paragraphs (a) or (b) of this section, or both, as the case may be, need be complied with.

(e) Expedited service (when transmitting one copy of each publication) must be provided to each subscriber requesting it. The cost of this service may be passed on to the subscriber.

(f) Carriers and agents shall furnish without delay one copy of any of their schedule publications, effective or published but not yet effective, to any person upon reasonable request therefor at a reasonable charge not to exceed that assessed a subscriber.

(g) As used herein, the term "subscriber" means a party who voluntarily or upon reasonable request is furnished at least one copy of a particular schedule and amendments thereto (including reissues thereof) by the publishing carrier or agent. The term does not, however, pertain to requests for a copy or copies of a schedule without a request for future amendments thereto.

[40 FR 7658, Feb. 21, 1975, as amended at 40 FR 25678, June 18, 1975]

§ 1308.110 ICC numbering systems.

(a) *Compliance.* Until March 1, 1979, every schedule must bear either an I.C.C. (or ICC) number or a standard ICC designation as set forth in paragraphs (b) and (c), respectively, of this section. Every effective schedule on file with this Commission on that date and every schedule which is indicated to become effective after that date must bear a standard ICC designation as set forth in paragraph (c) of this section. Conversion from the consecutive I.C.C. (or ICC) system to the standard ICC designation system shall be accomplished in the manner set forth in paragraph (d) of this section.

(b) *I.C.C. (or ICC) numbers.* The I.C.C. (or ICC) numbers shall run consecutively beginning with the next consecutive number in the existing series or, if no schedules have been issued previously, beginning with I.C.C. (or ICC) No. 1. If a carrier files both contract carrier schedules and common carrier tariffs, only one series of numbers should be used.

(c) *Standard ICC designation.* (1) The standard ICC designation shall be constructed by use of the characters "ICC," by use of a unique standard carrier code consisting of a minimum of two and a maximum of four alphabetical characters, and by use of a standard schedule number assigned according to the type of schedule and in that order. For example, the standard ICC designation on a schedule of a carrier to whom has been assigned the code ABCD, which schedule has been given the number 2000 by the carrier, would be "ICC ABCD 2000." Schedules containing rates or other provisions published to apply on emergency movements authorized by this Commission under section 311 of the Interstate Commerce Act may be filed without a standard carrier code when the party to whom the authority is issued has not been issued a code. Such schedules, however, must comply fully with all other requirements of this paragraph.

(2)(i) The codes shall be assigned by the transportation industry. Only one code shall be assigned to each carrier, even if carrier is of more than one mode (see paragraph (c)(2)(ii) for exception). Each code shall be unique for the carrier to which it is assigned and may not be used by any other, regardless of mode. Each carrier must use only the code assigned thereto and may not use any other. A carrier may request that it be assigned a specific code (regardless of whether or not one has been previously assigned), which must be appropriate and not duplicate any other. To the greatest extent practicable, the first two letters of the requested code must relate to the carrier's name. "A," "An," or "The" forming part of the name of the carrier should not be considered when requesting a code. A court-appointed receiver, trustee, et cetera, who assumes possession and operating control of a carrier's lines, whether in whole or in part, shall use the old carrier's code.

In all other cases where the name of a carrier is lawfully changed or the operating control of a carrier's properties is lawfully transferred in whole or in part to another party under authority of an order of this Commission, and the filing of an adoption notice is required, the code of the new carrier shall be used on the adoption notice and on all schedules filed thereafter in the name of the new carrier. (Where there is a change in the name of a carrier without a change in ownership, a new code shall be assigned unless retention of the same code is authorized by the Commission.) A code which has been previously but is no longer assigned may be reassigned after its prior assignment has been canceled for at least 5 years. All requests for codes shall be in writing.

(ii) Consideration shall be given to requests for assignment of a separate code to a carrier for use in identifying separately a division or district of the carrier. The requested code must not duplicate any other. This code shall be in addition to the base code assigned the carrier under the provisions of paragraph (c)(2)(i) of this section. The additional code shall be constructed by the use of the base code together with an appropriate letter suffix, designating the particular district or division thereof, which, including the suffix, may not exceed four alphabetical characters. Where the base code consists of four characters, the letter suffix shall be added to the first three characters of the base code.

(iii) The transportation industry shall file with the Commission in tariff form a list of the assigned alphabetical codes and the names of the carriers and agents to which they are assigned. This tariff shall be amended every three months (if the list has changed during that period) to maintain it in an updated condition. The amendments shall amend the list to the extent of showing changes, additions, and cancellations. The tariff, if in bound form, shall comply with the supplemental and volume limitations for tariffs provided in part 1310 of this chapter. Partial amendments to the list may be shown in each supplement, and more than one partial amendment may be in effect at the same time. Only one tariff containing a list of codes may be in effect at one time.

(3) A standard schedule number assigned to a schedule shall consist of not more than four digits. The grouping of the numbers shall be established by the carrier according to the particular types of schedules involved, and the number assigned to a schedule must conform to that grouping.

(4) The assigned number will remain the same from reissue to reissue of the schedule. A new schedule, not a reissue, shall not show a letter suffix following the schedule number, and the first reissue of it shall show the letter suffix A, the next reissue B, and so on until Z, following which the letter suffix A will again be used and the process repeated. In the example, in paragraph (c)(1) of this section, the first reissue of schedule ICC ABCD 2000 would be ICC ABCD 2000-A, the next reissue ICC ABCD 2000-B, and so on. Where the ICC number on a schedule is changed to a standard ICC designation, there may be no letter suffix, or as an alternative, any letter suffix may be used, and reissues proceeding from there alphabetically. A carrier may not on any of its schedules provide a schedule number for its own purpose that is different in any respect from that used in the ICC designation, and whole numbers (not fractional or decimal) must be employed. The purpose is to dispense with and prohibit dual systems of numbering any schedule.

(5) A standard schedule number which has been previously but is no longer assigned and used on an effective schedule may be reassigned after the last schedule to which it was assigned has been canceled for at least 5 years.

(6) When a carrier adopts the standard ICC designation system and obtains a code, it must continue to use such system and file no new schedules using the ICC consecutive numbering system. The ICC designation of a schedule which employs this system may not be changed.

(7) In applying the regulations in this subpart in connection with schedules issued in, or converted to, the standard ICC designation system, any reference in such regulations, either

expressed or implied, to the ICC consecutive numbering system and to "series" shall be construed to apply as well to the standard ICC designation system.

(d) *Conversion to new system.* (1) Each carrier must obtain its standard code before it adopts the standard ICC designation system. A carrier may elect to convert to the standard system only as each schedule is reissued, or a new one (not a reissue) is published, or in the alternative to convert all its existing schedules at one time. In any event all schedules must be converted by March 1, 1979. If all existing schedules are converted at one time, the notice of the conversion in each schedule shall be made by special supplement. Such supplement shall contain no other matter, shall not be canceled, and shall be shown as a supplement to the old tariff. The supplement may be published on not less than one day's notice, and shall contain a notice reading substantially as follows:

NOTICE OF CHANGE OF ICC NUMBER

Effective (here show date which is next following the general effective date of the supplement) the ICC designation of this schedule, as heretofore amended, is changed to (here show new schedule designation). All amendments to this schedule will hereafter use the new designation.

Any reference in any other schedule to this schedule by the previous ICC designation shall be construed as referring to this tariff by the new designation.

(2) Any reference in one schedule to another schedule by its old ICC number, after such referred-to schedule has been reissued or converted using the standard ICC designation system, must be corrected by publication(s) filed within 60 days of the effective date of the changed designation. Such references may be corrected upon not less than one day's notice. If the corrections as to any particular bound schedule would require more than one page of matter, corrections may be made by "Amendment to . . ." an item or other unit provided the supplement contains only such corrective matter and is retained as a separate effective supplement (not reissued) for the life of the schedule or until all affected amended items or units are reissued. Use of blanket form of supplement (a common supplement to two or more schedules) to bound schedules is authorized subject to the same conditions set forth in this paragraph.

(3) A loose-leaf schedule may only be changed to the standard ICC designation system, without complete reissue, by issuance of the supplement authorized in this paragraph plus a revised title page (effective the same date as the supplement and upon the same notice), subject to the further condition that the new title page and each new or revised page issued thereafter shall show in connection with the standard ICC designation the words "Formerly ICC" followed by the old number.

(4) Schedules (not supplements or loose-leaf page revisions) which are completely compiled and in the hands of the printer for publication, not filed, at the time of the complete changeover, which bear the old-type ICC designation, may be filed if accompanied by the supplement authorized in this paragraph and in the case of a loose-leaf schedule by revised title page, and the circumstances explained in the letter of transmittal accompanying the filing.

(Sec. 310a, 5 U.S.C. 553, 558; 49 U.S.C. 5, 6, 12, 20, 304, 310a, 317, 318, 319, 1003, 1005, 1013; sec. 12, 24 Stat. 383 as amended, secs. 5, 6, 12, 24 Stat. 380 as amended, sec. 20, 24 Stat. 386 as amended; 49 Stat. 546, 560, 561, 563, as amended; sec. 210a, 52 Stat. 1237, 1238, as amended; secs. 403, 405, 413, 56 Stat. 285, 287, 295; 80 Stat. 378)

[43 FR 8546, Mar. 2, 1978]

§1308.111 Codes for identification of places.

(a) *Definition.* As used in this part, the term "code for identification of places" means any numeric or alphabetic system used to represent, or identify, places, points, facilities, or locations.

(b) *Use.* Codes for identification of places may be used instead of, or in addition to, the naming of places, points, facilities, or locations; provided that an explanation of the code (showing the code together with the name of the place, point, facility, or location represented by the code) is contained in the same tariff utilizing the code, or in a separate tariff specifically named as a governing publication.

(c) *Listing.* When codes for identification of places are used in lieu of named places, and if the regulations in this part require the place names to be published in alphabetical order, the codes for identification of places shall be published in numerical order (if a numeric code) or in alphabetical order (if an alphabetic code).

[46 FR 34804, July 6, 1981]

§ 1308.112 Standard codes for commodity identification.

(a) *Definition.* As used in this part, the term "standard transportation commodity code" (STCC) means the standard transportation commodity codes assigned by the Association of American Railroads as contained in tariffs filed with the Commission.

(b) *Use.* Standard transportation commodity codes may be used instead of, or in addition to, the naming of commodities in tariffs or schedules. In the event that a tariff code description would be at variance with its accompanying named-commodity description, the presumption is that the named commodity description is accurate, and that the code description is inaccurate. This presumption may be rebutted by a showing of clear evidence of the commodity actually transported. Tariffs or schedules using the codes shall contain, or refer to a tariff publication which contains, the code assignments. Carriers do not need to be shown as participants in the code assignment tariff, and any tariff or schedule may refer to it. The standard transportation commodity codes are the only codes, standing alone, that may be used to identify commodities.

(c) *Listing.* When commodity codes are used in lieu of named commodities, and where the regulations in this part require commodity names to be published in alphabetical order, the standard transportation commodity codes shall be published in numerical order.

(5 U.S.C. 553; 49 U.S.C. 10762)

[45 FR 60441, Sept. 12, 1980]

PART 1309—TARIFFS AND CLASSIFICATIONS OF FREIGHT FORWARDERS

Sec.
1309.1 Form, publication and filing.
1309.2 Striking of motor carrier concurrences in joint forwarder-motor rates.
1309.3 ICC numbering systems.
1309.4 Posting and filing at stations and offices.
1309.5 Transmission of publications to subscribers.
1309.8 Zone of rate freedom.
1309.25 Released ratings; household goods.

AUTHORITY: Sec. 20, 24 Stat. 386, as amended, secs. 204, as amended, 217, as amended, 219, as amended, 49 Stat. 546, as amended, 560, as amended, 563, as amended, secs. 403, 405, 413, 56 Stat. 285, 287, 295; 49 U.S.C. 20, 304, 317, 319, 1003, 1005, 1013, unless otherwise noted.

SOURCE: 32 FR 20617, Dec. 20, 1967, unless otherwise noted.

§ 1309.1 Form, publication and filing.

Tariffs of freight forwarders authorized under and required by the provisions of section 405 of the Interstate Commerce Act shall be constructed, published, and filed in accordance with the regulations which have been or may be adopted and promulgated in Tariff Circular No. 20, effective supplements thereto or successive issues thereof (see Part 1300 of this chapter) so far as the same may be applicable. Rules contained in tariffs shall be numbered and titled using the system prescribed either in § 1300.4(h)(2)(i) of this chapter or in § 1310.4(h)(4)(i) of this chapter.

(5 U.S.C. 553; 49 U.S.C. 10762)

[32 FR 20617, Dec. 20, 1967, as amended at 45 FR 60440, Sept. 12, 1980]

§ 1309.2 Striking of motor carrier concurrences in joint forwarder-motor rates.

All concurrences issued by motor common carriers of property which authorize freight forwarders to publish and file joint forwarder-motor rates pursuant to section 409(b) of the act and which have been filed with the Interstate Commerce Commission are hereby stricken from the Commission's files.

§ 1309.3 ICC numbering systems.

(a) *Compliance.* Until March 1, 1979, every tariff must bear either an I.C.C.-F.F. (or ICC-FF) number (instead of an ICC number prescribed in the tariff circular indicated in § 1309.1) of a standard ICC designation as set forth in paragraphs (b) and (c), respectively, of this section. Every effective tariff on file with this Commission on that date and every tariff which is indicated to become effective after that date must bear a standard ICC designation as set forth in paragraph (c) of this section. Conversion from the consecutive I.C.C.-F.F. (or ICC-FF) system to the standard ICC designation system shall be accomplished in the manner set forth in paragraph (d) of this section.

(b) *I.C.C.-F.F. (or ICC-FF) numbers.* The I.C.C.-F.F. (or ICC-FF) numbers shall run consecutively beginning with the next consecutive number in the existing series or, if no tariffs have been issued previously, beginning with I.C.C.-F.F. (or ICC--FF) No. 1.

(c) *Standard ICC designation.* (1) The standard ICC designation shall be constructed by use of the characters "ICC," by use of a unique standard tariff, forwarder, or agent code consisting of a minimum of two and a maximum of four alphabetical characters, and by use of a standard tariff number assigned according to the type of tariff, and in that order. For example, if the forwarder or agent or the specific tariff has been assigned the code ABCD and the tariff has been given the number 2000 by the forwarder or agent, the ICC designation would be "ICC ABCD 2000."

(2)(i) The codes shall be assigned by the transportation industry. Only one code shall be assigned to each forwarder or agent (see paragraphs (c)(2)(ii) and (iii) for exceptions). Each code shall be unique for the forwarder or agent to which it is assigned and may not be used by any other, regardless of mode. Each forwarder or agent must use only the code assigned thereto and may not use any other, except where a separate code has been authorized for a particular tariff series. A forwarder or agent may request that it be assigned a specific code (regardless of whether or not one has been previously assigned), which must be appropriate and not duplicate any other. To the greatest extent practicable, the first two letters of the requested code must relate to the forwarder's or agent's name. "A," "An," or "The" forming part of the name of the forwarder or agent should not be considered when requesting a code. A court-appointed receiver, trustee, executor, administrator, assignee, et cetera, who assumes possession and operating control of a forwarder, whether in whole or in part, shall use the old forwarder's code. In all other cases where the name of a forwarder is lawfully changed or the operating control of a forwarder's properties is lawfully transferred in whole or in part to another party under authority of an order of this Commission, and the regulations in Part 1300 of this chapter require the filing of an adoption notice, the code of the new forwarder shall be used on the adoption notice and on all original tariffs filed thereafter in the name of the new forwarder. (Where there is a change in the name of the forwarder or agent without a change in ownership of a forwarder or identity of an agent, a new code shall be assigned unless retention of the same code is authorized by the Commission. Exception: A code assigned for use on a specific tariff of an agent must continue to be used on that tariff. See paragraph (c)(2)(ii) of this section.) A code which has been previously but is no longer assigned may be reassigned after its prior assignment has been canceled for at least 5 years. All requests for codes shall be in writing.

(ii) Consideration shall be given to requests for the assignment of specific codes to classification tariffs and other specific types of governing tariffs which have a substantial nationwide application for a substantial number of participating forwarders. The requested code must not duplicate any other. Such a code shall be assigned only to a tariff published and filed in the name of an agent. To the greatest extent possible, a requested code must coincide with the first letter of the primary words in the title of the tariff. Only one such code shall be assigned to a tariff. Each code shall be unique for the specific tariff series to which it is assigned and may not be used by the agent on any other tariff or by any forwarder or other agent.

(iii) Consideration shall be given to requests for assignment of a separate code to a forwarder for use in identifying separately a division or district of the forwarder. The requested code must not duplicate any other. This code shall be in addition to the base code assigned the forwarder under the provisions of paragraph (c)(2)(i) of this section. The additional code shall be constructed by the use of the base code together with an appropriate letter suffix, designating the particular district or division thereof, which, including the suffix, may not exceed four alphabetical characters. Where the base code consists of four characters, the letter suffix shall be added to the first three characters of the base code.

(iv) The transportation industry shall file with the Commission in tariff form a list of the assigned alphabetical codes and the names of the carriers and agents to which they are assigned. This tariff shall be amended every three months (if the list has changed during that period) to maintain it in an updated condition. The amendments shall amend the list to the extent of showing changes, additions, and cancellations. The tariff, if in bound form, shall comply with the supplemental and volume limitations for tariffs provided in part 1310 of this chapter. Partial amendments to the list may be shown in each supplement, and more than one partial amendment may be in effect at the same time. Only one tariff containing a list of codes may be in effect at one time.

(3) A standard tariff number assigned to a tariff shall consist of not more than four digits. The grouping of the numbers shall be established by the forwarder or agent according to the particular types of tariffs involved, and the number assigned to a tariff must conform to that grouping.

(4) The assigned number will remain the same from reissue to reissue of the tariff. A new tariff, not a reissue, shall not show a letter suffix following the tariff number, and the first reissue of it shall show the letter suffix A, the next reissue B, and so on until Z, following which the letter suffix A will again be used and the process repeated. In the example, in paragraph (c)(1) of this section, the first reissue of tariff ICC ABCD 2000 would be ICC ABCD 2000-A, the next reissue ICC ABCD 2000-B, and so on. Where the ICC-FF number on a tariff is changed to a standard ICC designation, there may be no letter suffix, or as an alternative, any letter suffix may be used, and reissues proceeding from there alphabetically. A forwarder or agent may not on any of its tariffs provide a tariff number for its own purpose that is different in any respect from that used in the ICC designation, and whole numbers (not fractional or decimal) must be employed. The purpose is to dispense with and prohibit dual systems of numbering any tariff.

(5) A standard tariff number which has been previously but is no longer assigned and used on an effective tariff may be reassigned after the last tariff to which it was assigned has been canceled for at least 5 years.

(6) When a forwarder or agent adopts the standard ICC designation system and obtains a code, it must continue to use such system and file no new tariffs using the ICC-FF consecutive numbering system. The ICC designation of a tariff which employs this system may not be changed.

(7) Tariff indexes containing the old ICC-FF numbers of indexed tariffs shall be corrected to show the new ICC designations not later than 90 days from the effective date of the changeover of the particular tariff series in each case.

(8) Any tariff which refers to another as a governing publication or otherwise, using the standard ICC designation in such reference must clearly spell out the name of the forwarder or agent whose tariff it is, or under the Explanation of Abbreviations or other appropriate place in the tariff explain the code as to the name of the forwarder or agent for which it stands. If the code is assigned to the tariff, the explanation must clearly identify

the tariff, including the name of the issuing agent.

(9) Tariffs that use numerical or alphabetical codes to identify forwarders in connection with participating forwarder lists, et cetera, must convert such codes to the standard forwarder codes not later than March 1, 1981.

(10) in applying the regulations in Parts 1300 and 1309 in connection with tariffs issued in, or converted to, the standard ICC designation system, any reference in such regulations, either expressed or implied, to the ICC or ICC-FF consecutive numbering system and to "series" shall be construed to apply as well to the standard ICC designation system.

(d) *Conversion to new system.* (1) Each forwarder or agent must obtain its standard code before it adopts the standard ICC designation system. A forwarder or agent may elect to convert to the standard system only as each tariff is reissued, or a new one (not a reissue) is published, or in the alternative to convert all its existing tariffs at one time. In any event, all tariffs, except as otherwise provided in § 1309.3(c)(9), must be converted by March 1, 1979. If all existing tariffs are converted at one time, the notice of the conversion in each tariff shall be made by special supplement. Such supplement shall contain no other matter, shall not be canceled, shall be considered exempt from the supplemental limitations in Part 1300 for the life of the tariff involved, and shall be shown as a supplement to the old tariff. The supplement may be published on not less than 1 day's notice, and shall contain a notice reading substantially as follows:

NOTICE OF CHANGE OF ICC-FF NUMBER

Effective (here show date which is next following the general effective date of the supplement) the ICC-FF designation of this tariff, as heretofore amended, is changed to (here show new tariff designation). All amendments to this tariff will hereafter use the new designation.

Any reference in any other tariff to this tariff by the previous ICC-FF designation shall be construed as referring to this tariff by the new designation.

(2) Any reference in one tariff to another tariff by its old ICC-FF number, after such referred-to tariff has been reissued or converted using the standard ICC designation system, must be corrected by publication(s) filed within 60 days of the effective date of the changed designation. Such references may be corrected upon not less than 1 day's notice. A supplement issued to a bound tariff for the purpose of effecting such correction, and containing no other matter, may be issued and maintained without regard to the supplemental matter limitations of Part 1300. If the corrections as to any particular bound tariff would require more than one page of tariff matter, corrections may be made by "Amendment to . . ." an item or other tariff unit provided the supplement contains only such corrective matter and is retained as a separate effective supplement (not reissued) for the life of the tariff or until all affected amended tariff items or units are reissued. Use of blanket form of supplement (a common supplement to two or more tariffs) to bound tariffs is authorized subject to the same conditions set forth in this paragraph.

(3) A loose-leaf tariff may only be changed to the standard ICC designation system, without complete reissue, by issuance of the supplement authorized herein plus a revised title page (effective the same date as the supplement and upon the same notice), subject to the further condition that the new title page and each new or revised page issued thereafter shall show in connection with the standard ICC designation the words "Formerly ICC-FF" followed by the old number.

(4) Tariffs (not supplements or loose-leaf page revisions) which are completely compiled and in the hands of the printer for publication, not filed, at the time of the complete changeover by a forwarder or by an agent, which bear the old-type ICC-FF designation, may be filed if accompanied by the supplement authorized in this paragraph and in the case of a loose-leaf tariff by revised title page, and the circumstances explained in the letter of transmittal accompanying the filing.

(Sec. 310a, 5 U.S.C. 553, 558; 49 U.S.C. 5, 6, 12, 20, 304, 310a, 317, 318, 319, 904, 906, 1003, 1005, 1013; sec. 12, 24 Stat. 383 as amended, secs. 5, 6, 12, 24 Stat. 380 as amended; 49 Stat. 561, as amended; sec. 210a, 52 Stat. 1237, 1238, as amended; secs. 304, 306, 54 Stat. 933, 935; secs. 403, 405, 413, 56 Stat. 285, 287, 295; 80 Stat. 378)

[43 FR 8547, Mar. 2, 1978]

§ 1309.4 Posting and filing at stations and offices.

Each freight forwarder shall post and file at each of its stations or offices which is in charge of a person employed exclusively by the freight forwarder or by it jointly with another carrier and at which freight is received for transportation directly or through an agent, all of the tariffs containing rates, charges, classifications and rules or other provisions applying from, or at, such station or office. Each freight forwarder shall also maintain at its principal or general office a complete file of all tariffs issued by it or its agents. All such tariffs shall be kept open to public inspection.

§ 1309.5 Transmission of publications to subscribers.

(a) Except as otherwise authorized in paragraphs (b) and (d) of this section, one copy of each new tariff, supplement, and loose-leaf page must be transmitted to each subscriber thereto by first-class mail (or other means requested in writing by subscriber) not later than the time the copies for official filing are transmitted to the Commission. The letter of transmittal accompanying the copies to the Commission must contain the following certification:

I hereby certify that I have on or before this day sent one copy of each publication listed hereon to each subscriber thereto by first-class mail, or by other means of transmission agreed upon in writing by the subscriber.

Signature of person
transmitting publication(s)

Date

(b) If a new tariff or supplement is filed which in its entirety is published under an authority from this Commission to publish and file without notice or on notice of less than ten days, or, if a new loose-leaf page is filed which contains a provision published under an authority from this Commission to publish and file without notice or on notice of less than ten days, paragraph (a) of this section need not be complied with as to such publication if it cannot be or compliance would cause excessive delay, but one copy of such publication must be transmitted to each subscriber thereto by first-class mail (or other means requested in writing by subscriber) within five calendar days, starting with the calendar day following that on which the copies for official filing are transmitted to the Commission, and the letter of transmittal to the Commission must contain the following certification:

I hereby certify that I will within five calendar days after today send one copy of each publication listed hereon to each subscriber thereto by first-class mail, or by other means of transmission agreed upon in writing by the subscriber.

Signature of person
transmitting publication(s)

Date

Included in this exception are supplements issued for the purpose of announcing suspensions made by the Commission and publications (published in the name of a forwarder only) announcing adoptions.

(c) When copies of different publications are transmitted to the Commission at the same time, some copies of which have been transmitted to subscribers in compliance with paragraph (a) of this section and some copies of which will be transmitted to subscribers in compliance with paragraph (b) of this section, two letters of transmittal must accompany the copies to the Commission, one complying with paragraph (a) of this section and the other complying with paragraph (b) of this section.

(d) If there are no subscribers to any publication listed on a letter of transmittal accompanying the copies for official filing to the Commission, the letter of transmittal must contain the following certification:

I hereby certify that there are no subscribers to the publication(s) listed hereon.

____
Signature of person
transmitting publication(s)

____
Date

If copies of different publications are transmitted to the Commission at the same time, some of which are subscribed to and some of which are not, only the provisions of paragraphs (a) or (b) of this section, or both, as the case may be, need be complied with.

(e) Expedited service (when transmitting one copy of each publication) must be provided to each subscriber requesting it. The cost of this service may be passed on to the subscriber.

(f) Forwarders and agents shall furnish without delay one copy of any of their tariff publications, effective or published but not yet effective, to any person upon reasonable request therefor at a reasonable charge not to exceed that assessed a subscriber.

(g) As used herein, the term "subscriber" means a party who voluntarily or upon reasonable request is furnished at least one copy of a particular tariff and amendments thereto (including reissues thereof) by the publishing forwarder or agent. The term does not, however, pertain to requests for a copy or copies of a tariff without a request for future amendments thereto.

[40 FR 7659, Feb. 21, 1975; 40 FR 11356, Mar. 11, 1975, as amended at 40 FR 25678, June 18, 1975]

§ 1309.8 Zone of rate freedom.

(a) *Statement of carrier's intent required.* Each tariff, supplement, or loose-leaf page publishing a rate, charge, or provision which the freight forwarder wishes to have considered pursuant to the zone of rate freedom provisions of subsection (d) of section 10708 of Title 49, United States Code, shall indicate this by showing an appropriate statement. If a bound tariff or supplement, the statement shall be shown on the title page. Each rate, charge, or provision shall be identified. If the rates, charges, or provisions in a bound tariff or supplement are too numerous to be identified on the title page, identification shall be on the first printed page following the title page.

(b) *Letters of transmittal.* (1) The letter of transmittal accompanying each tariff, supplement, of loose-leaf page which contains a rate, charge, or provision which the freight forwarder wishes to have considered pursuant to the zone of rate freedom provisions of subsection (d) of section 10708 of Title 49, United States Code, shall indicate this by including an appropriate statement.

(2) If the application of the proposed rate, charge, or provision would result in an increase in charges, the letter shall state that the proposed increase in the aggregate is not more than 10 percent above that in effect 1 year prior to the effective date of the proposed increase.

(3) If the application of the proposed rate, charge, or provision would result in a reduction in charges, the letter shall state that the proposed reduction in the aggregate shall be no more than 10 percent below the lesser of that in effect on July 1, 1980 (or the date, if after July 1, 1980, on which a rate, charge, or provision first became effective for a service not provided by the freight forwarder on July 1, 1980), or that in effect 1 year prior to the effective date of the proposed reduction.

(4) The letter shall identify the number of the item (or page) and tariff in which the rate, charge, or provision may be found that was in effect 1 year prior to the effective date of the proposed or in effect July 1, 1980, or later, as appropriate.

(5) The letter shall also state that the rates or provisions were set independently and were not discussed with any other carriers. If published by a rate bureau, the letter shall state that the docketing and publishing of the rate or provision were done in compliance with its agreement regarding independent notice actions.

(6) The freight forwarder will also be required in the letter to certify that the rates or provisions do not exceed the amount allowed by section 10708 (d)(3) (A or B); and that the rates or provisions fall within the 10 percent zone; also, if the rate is more than 10 percent above the rate in effect one year earlier, to include in the statement whether the proposed rate has been subject to general rate increases

during the previous year, what percent increase was taken, the bureaus which published the increase, and the effective date.

[45 FR 52162, Aug. 6, 1980]

§ 1309.25 Released ratings; household goods.

(a) *Establishment.* All common carriers of property by motor vehicle and all freight forwarders, their duly authorized agents or the duly accredited successors to such agent, who have been, or who may hereafter be, granted authority by the Commission to transport household goods in interstate or foreign commerce, be, and they are hereby, authorized to establish and maintain by filing and posting in the manner prescribed in the Interstate Commerce Act, classification ratings and exceptions ratings for household goods dependent upon the value declared in writing by the shipper or agreed upon in writing, as the released value of the property, as follows:

	Less than truckload	Truckload or volume
Household goods, as described in note 1 below, prepaid.		
Each article released in value in accordance with the following, see note 2.		
Released value not exceeding 10 cents per pound	1	2-3-3
Released to value exceeding 10 cents but not exceeding 20 cents per pound	1¼	1-3-3
Released to value exceeding 20 cents but not exceeding 50 cents per pound	1½	1¼-2-2
Released to value exceeding 50 cents but not exceeding $2 per pound	D1	1½-1-1
Released to value exceeding $2 but not exceeding $5 per pound	3t1	D1-1½-1½

NOTE 1: Ratings on household goods apply only on second-hand (used) household or personal effects such as clothing, furniture or furnishings for residences with not to exceed one piano; and with each truckload or volume shipment there may also be included not to exceed one second-hand (used) freight (not driving trucks for freight vehicles or fire apparatus) or passenger automobile, or one second-hand (used) motorcycle. Ratings do not apply on articles specifically named in ———— (insert here reference to the rule in the classification or ———— exceptions which names articles of extraordinary value ———— not accepted for transportation) nor on goods shipped for sale or speculation.

Articles not included in the above description will be subject to their less-than-truckload ratings if shipped with household goods.

NOTE 2: If consignor declines to release each article in the shipment to a value not exceeding $5 per pound, the shipment will not be accepted.

The release, which shall be deemed to relate to each article separately and not to the shipment as a whole, must be entered on shipping order and bill of lading in the following form:

"The agreed or declared value of each article in this shipment is hereby specifically stated by the shipper to be not exceeding ———— per pound."

(b) *Changes in ratings or released valuations.* Changes may be made in any ratings or packing specifications established under the authority of this order, but the commodity description may not be broadened to embrace other articles nor may any change be made in the released valuation upon which the ratings are dependent without the specific authority of the Commission.

(c) *Authority for released ratings must be shown in tariff.* Tariffs containing released ratings filed under authority of this order shall show in connection therewith the following notation:

Ratings herein based on released value have been authorized by the Interstate Commerce Commission in Released Rates Order No. MC-314, FF-56, of September 14, 1950, subject to complaint or suspension.

(d) *Notation required on receipt of bill of lading.* The value declared or agreed upon by the shipper as the released value shall be stated in each bill of lading or receipt issued for property accepted for transportation at the released ratings herein authorized to be established and maintained.

(e) *Carriers and freight forwarders affected.* This order does not constitute authority for the establishment of released ratings on any description of traffic or over the line of any carrier or freight forwarder other than as herein specifically indicated.

(f) *Lawfulness of ratings.* The Commission does not hereby approve the lawfulness, except under section 20(11), 219 and 413 of the Interstate Commerce Act, of any ratings which may be filed under authority of this order.

(g) *Application denied in other respects.* The said application, insofar as it requests authority other than that granted by paragraphs (a) to (f) of this section is hereby denied.

PART 1310—FREIGHT RATE TARIFFS AND CLASSIFICATIONS OF MOTOR COMMON CARRIERS

Sec.
1310.0 General provisions.
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1310.30 Substituted service (rail for motor) (rule 30).
1310.31 Transmission of publications to subscribers (rule 31).
1310.32 Claims rules (rule 32).
1310.33 Export and import traffic—ocean carriers (rule 33).
1310.34 [Reserved]
1310.35 Codes for identification of places.
1310.36 Standard codes for commodity identification.

AUTHORITY: Secs. 204, 217, 49 Stat. 546, as amended, 560, as amended, sec. 210a, as amended, 52 Stat. 1238, as amended; 49 U.S.C. 304, 317, 310a, unless otherwise noted.

SOURCE: 41 FR 30591, July 26, 1976, unless otherwise noted.

§ 1310.0 General provisions.

(a) *General.* (1) Every problem that might arise cannot be anticipated in regulations. It is intended by the Commission that the contents of each tariff be so published that the size of the printed characters, the proportion and distribution of blank space allowed on a page, the system used for indentation or setting off material, the breaking up of lengthy material into smaller units, and the like, are such as to permit prolonged reading, without straining of the eyes, by the average person, and to permit any one with reasonable technical transportation knowledge and experience to understand the application. The Commission expects the cooperation in this respect of all persons associated with the construction of tariffs, and reserves the right to require modification or reissue of a tariff which it considers as not affording the public this accommodation to which it is lawfully entitled.

(2) The Commission expects all carriers to observe strict compliance with its posting regulations, and to control and direct the practices of their publishing agents or representatives toward making possible such compliance without exception.

(3) Nothing in paragraphs (a)(1) and (2) of this section shall be construed as being a relaxation of any of the regulations in this part.

(b) *Application of this Part 1310.* (1) Subject to the provisions of paragraph (b)(3) of this section, the regulations promulgated in this part shall govern the construction, publication, filing, posting, and keeping open for public inspection of

(i) Any tariff filed under section 217 of the Act by a motor carrier or its agent;

(ii) Any tariff filed under section 306 of the Act by a water carrier or its agent which contains any joint motor-water rate or any provision governing the application of such rate; and

(iii) Any tariff which contains a through route and a joint rate over the lines of a common carrier by motor vehicle or by motor vehicle jointly with a common carrier by water, subject to the Interstate Commerce Act, on the one hand, and an ocean carrier (see § 1310.0(f)(21)), on the other hand, for the transportation of property between any place in the United States and any place in a foreign country. See § 1310.33 Export and Import Traffic—Ocean Carriers.

The regulations in this part shall also apply to any tariff filed under section 217 of the Act containing any joint rate or provision for the transportation of property over a motor carrier of property jointly with a common carrier of passengers by motor vehicle having authority from this Commission to transport property together with passengers in the same vehicle, or jointly with a carrier of property by air as authorized by the Federal Aviation Act of 1958.

(2) Carriers (other than motor common carriers of property) and freight forwarders whose rates are on file with the Interstate Commerce Commission may participate in tariffs subject to the regulations of this part which are exclusively distance guides (§ 1310.16 (rule 16)), or classifications or dangerous articles tariffs (§ 1310.17 (rule 17)) and also in participating carriers tariffs (§ 1310.20 (rule 20)) but only to the extent necessary to establish participation in such other tariffs.

(3) When a joint rate is published to apply over a route including rail carrier service, the regulations of this part do not apply to the rate and related provisions. Such rates and related provisions may, however, be filed in tariffs which are otherwise subject to this part when:

(i) Such rates and provisions specifically applying thereto constitute a relatively small part of the total volume of the tariff; or

(ii) The rail participation is only with respect to substituted service (rail substituted for motor carrier service).

Such portions of the tariff as pertain to such intermodal transportation (other than substituted service) shall, however, comply with the regulations otherwise governing the publication of rates, routes, and provisions which include rail carrier participation unless incompatible with the regulations of this part.

(4) For regulations for water common carrier tariffs not governed hereby, Part 1300 and Subpart A of Part 1308 of Title 49 of Chapter X of the Code of Federal Regulations (Tariff Circular Nos. 20 and 22, or reissues thereof) should be referred to.

(c) *Conformity required.* (1) Except as otherwise authorized, all tariff publications filed on or after October 5, 1977, but prior to October 5, 1978, shall conform either to the regulations in this part or to those in Subpart B of Part 1307. Once any original tariff or an amendment to a tariff is filed under the regulations in this part, any reissue of or subsequent amendment to that tariff shall also conform to the regulations in this part. Except as otherwise authorized by special tariff authority, all tariff publications filed on or after October 5, 1978, must conform to the regulations in this part. Except as otherwise authorized by special tariff authority or in §§ 1310.3(b)(3), 1310.4(a), 1310.4(e)(1), 1310.4(f)(3), 1310.4(h), and 1310.27(a) (rules 3, 4, and 27), all tariff publications filed prior to October 5, 1978, which do not conform to the regulations in this part shall be brought into conformity therewith on or before October 5, 1979.

(2) For reasons it considers to be sufficient, the Commission may direct the reissue of any tariff, power of attorney, or concurrence at any time. However, prior to October 5, 1983, the Commission will not strike from its files, nor direct the reissue of, powers of attorney and concurrences already on file on October 5, 1978, solely because they are on the old previously prescribed MFXA and MFXC forms.

(d) *Intrastate, liability and information-only provisions.* A tariff may include provisions having intrastate application only, provided they are so indicated (see § 1310.6(n)(6) (rule 6), and a tariff may be indicated as a joint filing with state regulatory bodies. Provisions indicated as "For Information Purposes Only" provisions which explain the plan of the tariff or the manner in which the tariff should be used, to assist the tariff user, may be included provided they are not contrary to the actual application of the tariff. Except as specifically authorized or required by this Commission, provisions pertaining to such matters as liability of the carrier for loss, damage or overcharge, transportation not subject to economic regulation by this Commission, and advertising or promotional material, may not be included in the tariff.

(e) *Carrier liability for violations.* Carriers have a positive duty under the Act to file with this Commission and to post for public inspection all of their tariffs required by the Act. The Act places upon the Commission the obligation to issue regulations prescribing the manner in which tariffs shall be constructed, filed and posted. The law prescribes penalties against carriers for failure to comply with the Act and the regulations, and also for charging, demanding, collecting, or receiving any rate which is not in their tariffs in effect at the time. The tender of a tariff and its receipt by the Commission does not relieve any carrier participating therein from liability for violation of the Act itself or of regulations issued under the authority of the Act.

(f) *Definition of terms used in this part.* (1) "Act" means the Interstate Commerce Act, as amended.

(2) "Agent" means a person or corporation duly authorized under this part by a carrier to publish rates and provisions for that carrier's account in tariffs published in the name of the agent.

(3) "Bound tariff" means a tariff consisting of a single sheet, or two or more sheets bound at left edge in pamphlet or book form.

(4) "Carrier" means a motor or water carrier (also a rail carrier of property, an air carrier of property, and an ocean carrier of property to the extent the regulations apply as set forth in paragraphs (b)(3) and (b)(1) of this section, and § 1310.33, respectively).

(5) "Classification" means a publication containing a list of articles or commodities and the classes or ratings to which they are assigned for the purpose of applying class rates, together with governing rules and regulations.

(6) "Class I," "Class II," and "Class III" motor carriers are as defined in the Commission's Uniform System of Accounts for Motor Carriers, § 1240.5 of this title.

(7) "Class rate" means a rate which applies on any one or more of various articles according to the class or rating to which they are assigned in a classification or tariff of exceptions thereto or in the class rate tariff. It does not include a so-called freight, all kinds commodity rate which applies on commodities or articles in general, and which limits the scope by definition as to the maximum and/or minimum classification or exception class or rating to which they are assigned but otherwise has none of the characteristics of a class rate. Nor does it include a so-called column-commodity or commodity-column rate which applies on commodities according to the column number to which they are assigned and are based on the particular rate-basis number applicable between points of origin and destination in class rate tariffs, but otherwise has none of the characteristics of a class rate. "Class tariffs" are those which contain class rates.

(8) "Commission" means the Interstate Commerce Commission.

(9) "Commodity rate" means a rate published to apply on a commodity or commodities which are specifically named or described in the tariff in which the rate is published or in a separate commodity list. "Commodity tariffs" are those which contain commodity rates.

(10) "Item" means a tariff provision of any kind bearing an "item number" designation.

(11) "Joint motor-ocean rate" means a joint rate over a joint route consisting of at least one motor segment and one ocean segment. It includes ones embracing more than one such segment, and in any sequence.

(12) "Joint motor-rail rate" means a joint rate over a joint route consisting of at least one motor segment and one rail segment. It includes ones embracing more than one such segment, and in any sequence.

(13) "Joint motor-water-ocean rate" means a joint rate over a joint route consisting of at least one motor seg-

ment, one water segment, and one ocean segment. It includes ones embracing more than one such segment, and in any sequence.

(14) "Joint motor-water-rail rate" means a joint rate over a joint route consisting of at least one motor segment, one water segment, and one rail segment. It includes ones embracing more than one such segment, and in any sequence.

(15) "Joint motor-water rate" means a joint rate over a joint route consisting of at least one motor segment and one water segment. It includes ones embracing more than one such segment, and in any sequence.

(16) "Joint rate" means a rate that applies over the lines or routes of two or more carriers and that is made by arrangement or agreement between such carriers evidenced by concurrence or power of attorney. "Joint tariffs" are those which contain joint rates.

(17) "Local rate" means a rate that applies over the lines or routes of one carrier only. "Local tariffs" are those which contain local rates.

(18) "Loose-leaf page amendment" means a publication consisting of a single sheet issued to and containing any amendment to a loose-leaf tariff identified thereon.

(19) "Loose-leaf tariff" means a tariff (not a bound tariff) consisting of loose-leaf pages.

(20) "Motor carrier" means a common carrier of property by motor vehicle (and also a common carrier of passengers to the extent the regulations apply as set forth in paragraph (b)(1) of this section).

(21) "Ocean carrier" means a nonvessel or vessel-operating common carrier by water engaged in the foreign commerce of the United States as defined in the Shipping Act, 1916.

(22) "Original tariff" means the tariff as originally filed excluding supplements or other amendments thereto, if any.

(23) "Post" refers to the maintenance of a file of tariffs which the public may inspect.

(24) "Proportional rate" means a rate published to apply only on traffic originating beyond the point from which such rate applies, destined beyond the point to which such rate applies, or originating and destined beyond the points from and to which such rate applies. "Proportional tariffs" are those which contain proportional rates.

(25) "Rail carrier" means a common carrier of property by railroad.

(26) "Station" of a carrier means the terminal, office (other than principal office), or other facility maintained by or for such carrier.

(27) "Supplement" means a publication, indicated as a supplement, consisting of a single sheet, or two or more sheets bound at the left edge in pamphlet or book form issued to and directing the amendment or the cancellation of the tariff.

(28) "Tariff" means a publication containing one or more rates, charges, classification ratings, rules, regulations, or other provisions, or any combination thereof, of one or more common carriers, together with its supplements or loose-leaf page amendments thereto, if any.

(29) "Tariff publication" means an original tariff, a supplement, or a loose-leaf page amendment.

(30) "Through rate" means the total rate from point of origin to destination. It may be a local rate, a joint rate, or combination of separately established rates.

(31) "Unit" means a tariff provision of any kind set apart by use of a number designation (other than item) or by employment of line or space separations, or because of its obvious independent completeness in itself.

(32) "Water carrier" means a common carrier of property by water subject to part III of the Act.

(5 U.S.C. 553; 49 U.S.C. 10321, 10703, 10762)

[41 FR 30591, July 26, 1976, as amended at 42 FR 44237, Sept. 2, 1977; 46 FR 35517, July 9, 1981]

§ 1310.1 Filing tariffs (rule 1).

(a) *Where to file.* Except as otherwise authorized, all tariff publications sent for filing should be addressed:

Interstate Commerce Commission, Bureau
of Traffic, Washington, D.C. 20423

and every package marked prominently with the word "Tariffs."

(b) *Number of copies required.* Unless additional copies are requested by the Commission, and except as otherwise provided in the regulations in this part, two copies of every tariff publication must be filed with the Commission. When a tariff publication is published and filed in the name of more than one agent, as a joint-agency issue, each such agent must file the required number of copies.

(c) *Letters of transmittal.* (1) All tariff publications filed with the Commission must be accompanied by a letter of transmittal listing them. The letter shall be prepared on durable paper not less than 8 by 10½ nor more than 8½ by 11 inches in size in substantially the following form:

____
(Name of carrier or agent in full)

____
(Street address or R.F.D. Number)

____
(City, state, etc. and ZIP code)

____
(Date)

Transmittal No. ——
Interstate Commerce Commission, Bureau of Traffic—Tariffs, Washington, D.C. 20423

The accompanying publication which is listed below is sent to you for filing in compliance with the requirements of the Interstate Commerce Act.

Supplement or Page No.	ICC designation
....	....
....	....

....
(Signature of person issuing publication or other authorized person)

....
(Title)

If more than one publication is shown or if listed on attached sheets, the letter shall be suitably adapted. The use of the transmittal number is for the carrier's own identification purposes and may be omitted. If because of the quantity and bulk of the material being transmitted, more than one package is used, one should include the original, and each of the others a copy, each indicating how many packages make up the whole. If a receipt from the Commission is desired, a duplicate marked "Receipt Requested" must be furnished, together with a self-addressed return envelope. The envelope must provide the postage needed, by, for example, a stamp embossed as part of the envelope itself, or guarantee by the sender's U.S. Postal Service permit number. In no case may loose stamps or envelopes with stamps affixed be supplied. A separate letter of transmittal must accompany the filing by each agent in the case of a tariff publication issued jointly by two or more agents.

(2) A letter of transmittal accompanying a tariff publication filed in the carrier's name must be signed by the person issuing the tariff publication or by a person duly authorized by the carrier to perform this service, as evidenced by a letter of authorization (see paragraph (d) of this section).

(3) A letter of transmittal accompanying a tariff publication filed in the name of an individual as agent or alternate agent must be signed by that individual, and such authority may not be delegated.

(4) A letter of transmittal accompanying a tariff publication filed in the name of a corporation as agent must be signed by a duly authorized tariff-publishing officer. See § 1310.27(f) (rule 27).

(5) When a tariff, supplement or loose-leaf amendment containing rates on household goods as defined in 49 CFR 1056.1(a) is published for the account of household goods carriers as defined in 49 CFR 1040.2(b) on not less than 45 days notice, the letter shall bear the following notation:

> This tariff (or supplement of loose-leaf amendment) is published on not less than 45 days notice within the meaning of 49 CFR 1100.40(b), (f), and (h) and 49 CFR 1100.200 (c) and (d).

(6)(i) The letter of transmittal accompanying each tariff publication which contains a rate, charge, or provision which the carrier wishes to have considered pursuant to the zone of rate freedom provisions of subsection (d) of section 10708 of Title 49, United States Code, shall indicate this by including an appropriate statement.

(ii) If application of the proposed rate, charge, or provision would result in an increase in charges, the letter shall state that the proposed increase in the aggregate is not more than 10 percent above that in effect 1 year prior to the effective date of the proposed increase.

(iii) If the application of the proposed rate, charge, or provision would result in a reduction in charges, the letter shall state that the proposed reduction in the aggregate shall be no more than 10 percent below the lesser of that in effect on July 1, 1980 (or the date, if after July 1, 1980, on which a rate, charge, or provision first became effective for a service not provided by the carrier on July 1, 1980), or that in effect 1 year prior to the effective date of the proposed reduction.

(iv) The letter shall identify the number of the item (or page) and tariff in which the rate, charge, or provision may be found that was in effect 1 year prior to the effective date of the proposed reduction or in effect July 1, 1980, or later, as appropriate.

(v) The letter shall also state that the rates or provisions were set independently and were not discussed with any other carriers. If published by a rate bureau, the letter shall state that the docketing and publishing of the rate or provision were done in compliance with its agreement regarding independent notice actions.

(vi) The carrier will also be required in the letter to certify that the rates or provisions do not exceed the amount allowed by section 10708 (d)(3) (A or B) and that the rates or provisions fall within the 10 percent zone; also, if the rate is more than 10 percent above the rate in effect one year earlier, to include in the statement whether the proposed rate has been subject to general rate increases during the previous year, what percent increase was taken, the bureau which published the increase, and the effective date.

(d) *Letters of authorization.* (1) A letter of transmittal of a carrier should be signed by the person shown on the title page of the tariff publication as the one issuing it. If it is not, then the signer must be specifically authorized to do so. The authorization must be prepared on durable paper not less than 8 by 10½ nor more than 8½ by 11 inches in size in the following form:

LETTER OF AUTHORIZATION

(Complete name of carrier)

———————————

Docket No. MC ———————— (Street address or R.F.D. number) ———————— (City, state, etc. and ZIP code) ————————

———————————
(Date)

Interstate Commerce Commission, Bureau of Traffic—Tariffs, Washington, D.C. 20423

This is to certify that ———————— (Name of individual authorized to act) is hereby authorized to sign letters of transmittal and transmit to the Commission thereunder for filing in compliance with the Interstate Commerce Act, as amended, tariffs, supplements, or loose-leaf amendments issued in the name and ICC designations of the carrier named herein.

All such tariffs, supplements, and pages are to be considered the official filings of the carrier named herein when tendered for filing by the individual named in the first paragraph hereof.

———————————
(Name of carrier)

By ———————————
(Signature)

———————————
(Title)

Verification:

The above statement was subscribed and sworn to before me this —— day of ——, 19——.

———————————
(Notary Public)

The authorizing letter must be signed by the owner, a partner or an officer, as the case may be, of the carrier. If such a letter does not accompany the publication or has not previously been filed, the publication may be returned to the sender.

(2) A letter of authorization may only be issued in favor of a single individual. It may not authorize two or more individuals, a firm, or a corporation to act. A carrier that has given a power of attorney to a corporation may designate the officially appointed

tariff issuing officer of the corporation without naming the officer. Only one letter may be effective at any one time.

(3) A letter of authorization may not cancel a previous one. Cancellation shall be made by a separate notice prepared on durable paper not less than 8 by 10½ nor more than 8½ by 11 inches in size in the following form:

CANCELLATION OF LETTER OF AUTHORIZATION

——————————————
(Complete name of carrier)
Docket No. MC—————— ———
(Street address or R.F.D. number)

——————————————
(City, state, etc. and ZIP code)

——————————
(Date)

Interstate Commerce Commission, Bureau of Traffic—Tariffs, Washington, D.C. 20423

Effective —————, 19——, the letter of authorization dated —————, 19——, issued by the carrier named above in favor of ——————————————
(Name of individual formerly authorized to act) is hereby withdrawn and canceled.

——————————————
(Name of carrier)
By ——————————————
(Signature)

——————————————
(Title)
Copy to: ——————————————
(Name of representative)

——————————————
(Street address or R.F.D. number)

——————————————
(City, state, etc. and ZIP Code)

The effective date specified should take into account the necessary time enroute to the Commission. If the date shown is prior to that on which it is received, the Commission considers the prior authority canceled on the date received. Only publications received on and after that date, or the date shown on the notice (if later), are considered affected thereby. It must be signed by the owner, a partner, or an officer of the carrier. The representative whose authority is being canceled shall be furnished with a copy of the cancellation notice at the same time the notice is sent to the Commission.

(e) *Tariff publications filed out of sequence.* An original tariff, a supplement, or an original or revised page tendered for filing which is out of the sequence required by the regulations of this part must be accompanied by a separate letter affirming that a publication bearing the skipped over designation will be filed and indicating the approximate date of such filing.

(f) *Concurrences and powers of attorney required.* Any participation by a carrier in a tariff publication other than its own issue must be supported by a power of attorney or concurrence, whichever is appropriate (see § 1310.27 (rule 27)). If it is not already on file with the Commission, it must accompany the publication being filed.

(g) *Period of notice required.* (1) The Act requires that all changes in rates or charges, or in rules or other provisions that affect rates, shall be filed with the Commission at least 30 days before the date upon which they are to become effective unless otherwise authorized by the Commission. Manifestly it is impossible for the Commission to check the items in tariffs to determine whether or not 30 days' notice has been given. Therefore, except as otherwise authorized by the Commission, 30 days' notice to the public and to the Commission must be given as to every tariff publication filed with the Commission, regardless of whether or not changes are effected thereby.

(2) Notice commences to run with the date the tariff publication is received by the Commission in Washington, D.C. Thus, a publication received any time during one calendar day has on the next calendar day (whatever it may be) accounted for one day of the required thirty days, and then on the thirtieth day following the date on which it was received has accounted for the full thirty days. For example, a publication received on a March 1st date must have an effective date of March 31st or later; one received April 1st needs an effective date of May 1st or later.

(3) Rates, charges, rules, or other provisions which have been filed with the Commission must be allowed to

become effective and remain in effect for a period of at least 30 days before being changed, canceled, or withdrawn, unless otherwise authorized by the Commission. Check sheets (see § 1310.10(d)(13) of this part) in looseleaf tariffs are not subject to the requirements of this paragraph (g)(3).

(h) *Other filing requirements.* (1) A tariff publication received by the Commission will not be returned unless formally rejected (see paragraph (i) of this section), except as provided in paragraph (d)(1) of this section or under the following circumstances. If, before the filing is received by the Commission, the carrier or agent advises that it is withdrawing its tender for filing and requests that it be returned not accepted, the Commission will take such a request under consideration but compliance is not to be assumed. Verbal requests must be confirmed in writing promptly, and be signed by an authorized person. A purported filing which is absent one or more essentials (such as an I.C.C. designation, or a title page) will be returned as not a bonafide tariff publication.

(2) No package containing any tariff publication will be accepted unless all charges applicable to the transmission thereof have been paid.

(3) A joint tariff publication filed by a carrier or a tariff publication filed by an agent will constitute filing for all carriers participants therein.

(4) All rates used in making combination through rates for interstate shipments, including rates between points in one state, must be filed with the Commission and posted for public inspection and they can be changed as to such traffic only in accordance with the provisions of the Act, and as amended.

(i) *Rejection of tariff publications.* Any tariff publication tendered for filing which:

(1) Fails to give lawful notice of changes in rates, charges, or other provisions which it proposes to establish; or

(2) Fails to meet the requirements of the regulations in this part; or

(3) Violates any order of the Commission or of a court is subject to rejection by the Commission. When a tariff publication is rejected, the Commission, acting through a designated administrative officer, will inform the carrier or agent who tendered it for filing, in writing, of the reasons for rejection. The several copies will ordinarily be returned. The Commission may at its discretion retain one or more copies for its own information use, but the tariff publication is nevertheless rejected and may not be applied.

(j) *Rejection or suspension of revocation notice.* A notice of the partial or complete revocation of a concurrence or power of attorney may be rejected in the same manner as a tariff publication where the effectiveness of such notice would require the establishment of rates or charges in violation of

(1) An order of the Commission;

(2) An order of a court; or

(3) The regulations in this part. Any such notice of revocation which would require the establishment of rates or charges of doubtful lawfulness may be suspended.

(Sec. 310a, 5 U.S.C. 553, 558; 49 U.S.C. 5, 6, 12, 20, 318, 319, 904, 906, 1003, 1005, 1013; sec. 12, 24 Stat. 383 as amended, secs. 5, 6, 12, 24 Stat. 380 as amended, sec. 20, 24 Stat. 386 as amended; 49 Stat. 501, 503; 52 Stat. 1237 as amended; secs. 304, 306, 54 Stat. 933, 935; secs. 403, 405, 413, 56 Stat. 285, 287, 295; 80 Stat. 378)

[41 FR 30591, July 26, 1976, as amended at 42 FR 44237, Sept. 2, 1977; 42 FR 63424, Dec. 16, 1977; 43 FR 8552, Mar. 2, 1978; 45 FR 52163, Aug. 6, 1980]

§ 1310.2 Posting tariffs (rule 2).

(a) *Introduction to posting requirements.* Under the Interstate Commerce Act, carriers are required to keep open to public inspection their tariffs naming rates and charges, in such form and manner as the Commission by regulation shall prescribe. The file of tariffs posted and maintained for public inspection shall be in a complete, accessible and usable form and shall be available for inspection during the ordinary business hours of the carrier. Employees of the carrier shall be required to give any desired information contained in such tariffs, to lend assistance to seekers of information therefrom, and to afford inquirers opportunity to examine any of such tariffs without requiring the inquirer to assign any reason for such desire. A carrier performing local pickup or delivery service for another carrier within the latter's bonafide terminal area and not named as a participant in its tariffs is not required to post such tariffs.

(b) *What tariffs must be posted at principal office.* Except as otherwise provided in paragraph (e) of this section, each motor or water carrier shall post at its principal office a complete set of all tariffs of its own issue and all tariffs to which it is a party. (A water carrier is required under the regulations in this part to post only such tariffs which contain any joint motor-water rate or any joint motor-water-ocean rate (see § 1310.33) or provision governing the application of such rate. For other regulations governing the posting of tariffs by water carriers see Part 1305.) Only tariffs in effect or issued but not yet in effect are required to be posted hereunder.

(c) *What tariffs must be posted at stations.* Each motor or water carrier shall also post tariffs at each station (see § 1310.0(f)(26)) at which it receives freight for transportation and at which it employs the person in charge of that station exclusively or jointly with another carrier. Except as otherwise provided in paragraphs (e) and (f) of this section, the tariffs that must be posted at such station are those of the carrier's own issue and those to which the carrier is a party which contain the following:

(1) Any effective, or published but not yet effective, rate published to apply for account of the carrier from or at such station, or any origin in that station's terminal area. (A water carrier under the regulations in this part need post only when a joint motor-water rate or a joint motor-water-ocean rate as authorized in § 1310.33.)

(2) A motor carrier (or water carrier if a joint motor-water-ocean rate) receiving shipments at a port for delivery to points in the United States under joint through rate and route arrangements with an ocean carrier (§ 1310.0(f)(21)) shall also post at its station at such port the tariffs naming such rates and its governing tariffs. See § 1310.33.

(3) Any effective, or published but not yet effective, provision governing the application of any such rate.

(d) *Period of notice.* Except as otherwise authorized, each tariff publication must be posted continuously from a date at least 30 days prior to the effective date. When the Commission permits or requires a different period of notice for filing, the tariff publication shall be posted at least that number of days before the effective date.

(e) *Exception as to posting by Class III motor carriers.* A Class III motor carrier may at any location dispense with or discontinue the posting of a tariff (other than those specified in paragraph (g) of this section) in which the carrier participates solely as to joint-rate application, provided that the public file of its connecting carrier or carriers contains the tariff, and also subject to the provisions of paragraph (h) of this section.

(f) *Exception as to posting at stations.* A carrier may discontinue the posting of a posted tariff (other than those specified in paragraph (g) of this section) if for six months time no request has been made to inspect the tariff and the carrier has not used it (including the prior issue if not in effect six months), but subject to the provisions of paragraph (h) of this section. If posting of a tariff is discontinued, the authority under this paragraph also extends to the reissues.

(g) *Freight classifications and dangerous articles tariffs.* When reference is made to this paragraph, the tariffs are those providing classifications of freight and those containing the U.S. Department of Transportation's regulations governing the acceptance and transportation of dangerous articles (hazardous materials).

(h) *Conditions: non-posted tariffs.* When a request is received at a station or principal office to post at that place a tariff the posting of which had been dispensed with or discontinued at that location under the provisions of paragraphs (e) or (f) of this section, the requested tariff, and all tariffs governing the application thereof, shall be posted at that station or principal office within 20 calendar days and posting of the tariff and its reissues shall be continued for at least six consecutive months. (After that time, the provisions of paragraphs (e) and (f) of this section may again be used.) Any carrier availing itself of the authority herein to dispense with or discontinue posting of a tariff at a location shall display continuously in a conspicuous place at that station or that principal office a notice printed in large type as follows:

With only such exceptions as have been specifically authorized by the Interstate Commerce Commission, all tariffs containing rates, and governing tariffs, effective or published but not yet effective, for the account of this carrier applying from or at this terminal area are on file in this office. [In the case of a carrier participating in a through route and joint rate with an ocean carrier and the station is at the port where shipments are received for delivery to points in the United States, the words "or applying from a foreign country when this carrier receives import shipments at this terminal area for transportation under a joint rate arrangement with an ocean carrier" shall be inserted between "area" and "are".] The tariffs may be inspected during ordinary business hours by any person upon request and without assignment of any reason for such inspection. The employee on duty in this office will lend any assistance desired in securing information therefrom. [In the case of a principal office, omit the words "applying from or at this terminal area." In the case of a water carrier, insert the words "joint motor-water" or "joint motor-water-ocean" or both, if appropriate, immediately following the word "containing." In the case of a Class III carrier maintaining no tariff file at its principal office or at a station, this paragraph should be omitted from the notice posted at that location.]

If request is made for an effective tariff or tariffs naming rates or governing provisions for the account of this carrier applying from or at this terminal area which is not posted here under authorization of the Interstate Commerce Commission, the employee on duty here will arrange to have such tariff or tariffs posted within 20 days and thereafter maintain posting until authorized otherwise. [In the case of a principal office, omit the words "applying from or at this terminal area."]

[This paragraph to be used where the affected location is a station, not the principal office, but not as to a Class III motor carrier that does not maintain a complete file at any office.] In addition, a complete file of all this company's tariffs is maintained and kept available for public inspection at [here identify the location].

[A Class III carrier not posting a tariff under authority of paragraph (e) of this section shall add the following to the notice.] Any tariff naming joint-line rates not posted here under authorization of the Interstate Commerce Commission may be inspected at [here show name of connecting carrier and location of its files containing such tariff and reference to the complete file at its principal office if one is maintained there].

[41 FR 30591, July 26, 1976, as amended at 42 FR 44237, Sept. 2, 1977]

§ 1310.3 ICC numbering systems (rule 3).

(a) *ICC Designations must be printed on tariffs.* (1) Every tariff must bear an ICC identification designation. Until March 1, 1979, tariffs may use either one of two systems of identification, subject to certain restrictions. One is the system whereby each carrier and agent numbers each new tariff consecutively (see paragraph (b) of this section). The other is the system employing both alphabetical characters (the code signifying the issuing carrier or agent or, in some instances the kind of tariff) and numbers (the carrier's or agent's tariff number including a letter suffix letter, if any) (see paragraphs (c) and (d) of this section). While both systems are ICC designations, the latter system is differentiated by referring to it in this part as "standard ICC designation."

(2) The term "ICC designation" as used in this Part 1310 (except not paragraph (d) of this section) shall be construed to mean "ICC number," "MF-ICC number," or "standard ICC designation," whichever is appropriate as to a particular tariff.

(3) The title page of every original tariff (bound and looseleaf) and of any supplement thereto, and any revised title page of a looseleaf tariff shall show the ICC designation in the upper right-hand corner (see § 1310.9(g) (rule 9)—blanket supplements). All other pages (original and revised) of a looseleaf tariff shall show the designation in the upper corner forming part of the binding edge. When the tariff is one published on both sides of the sheet, this would be the upper left-hand corner on one page and the

upper right-hand corner for the next higher numbered page published on the reverse side.

(4) Any tariff referring to another tariff must identify it by ICC designation.

(5) Every effective tariff on file with this Commission on March 1, 1979, and every tariff which is indicated to become effective after that date must bear a standard ICC designation as set forth in paragraph (c) of this section. Conversion from the consecutive numbering system to the standard ICC designation system shall be accomplished in the manner set forth in paragraph (d) of this section.

(6) The ICC designation assigned to a tariff which has been rejected may not again be used. The rejected tariff may not be referred to in any subsequent tariff as having been canceled, amended, or withdrawn, but the tariff which is published in its stead must bear the following notation:

> Issued in lieu of [here identify the rejected tariff], rejected by the Commission.

(b) *ICC consecutive numbering system.* (1) The regulations in this paragraph (b) shall not apply to any emergency temporary authority tariff (see § 1310.28(i)). Also see § 1310.21 as to tariffs of joint agents.

(2) Paragraph (a) of this section requires that, until March 1, 1979, either a consecutive ICC number or a standard ICC designation shall be shown on every tariff. On and after that date only a standard ICC designation may be shown. This paragraph (b) contains the rules governing the showing of ICC consecutive numbers. Paragraphs (c) and (d) of this section contain the rules governing the assignment of standard ICC designations and the conversion from the consecutive system to the standard system.

(3) The ICC numbers shall run consecutively beginning with the next unused number in the carrier's or agent's ICC series. If a carrier or agent has previously filed tariffs only in an ICC series where the letters "ICC" have been prefixed with an "MF", the "next unused number" is the one in that series. For example, if the last tariff filed was designated MF-I.C.C. No. 14 under the former regulations, the next tariff shall be designated ICC 15, followed by 16, 17, and so on. If a carrier or agent has previously filed a tariff bearing an ICC number which did not show any prefix before the letters "ICC," the next unused number is the one in that series. If a carrier or agent has not previously filed any tariff, the number series shall commence with ICC 1.

(4) An original tariff, and its supplements or loose-leaf page amendments, if any, bearing a MF-ICC designation on the effective date of this part 1310 shall continue to use the designation "MF-ICC" on subsequent supplements or loose-leaf pages until the tariff is reissued or is converted to the ICC standard designation system, whichever is earlier. Reissues which use the consecutive numbering system shall use the designation "ICC" only, without periods and without the use of "No." in connection therewith, and without letter prefixes or suffixes attached to the number.

(c) *Standard ICC designation.* (1) The standard ICC designation shall be constructed by use of the characters "ICC," by use of a unique standard tariff, carrier, or agent code consisting of a minimum of two and a maximum of four alphabetical characters, and by use of a standard tariff number assigned according to the type of tariff, and in that order. For example, if the carrier or agent or the specific tariff has been assigned the code ABCD and the tariff has been given the number 2000 by the carrier or agent, the ICC designation would be "ICC ABCD 2000." Tariffs containing rates or other provisions published to apply on emergency movements authorized by this Commission under section 210a(a) of the Interstate Commerce Act may be filed without a standard carrier code when the party to whom the authority is issued has not been issued a code. Such tariffs, however, must comply fully with all other requirements of this paragraph.

(2)(i) The codes shall be assigned by the transportation industry. Only one code shall be assigned to each carrier (even if carrier is of more than one mode) or agent (see paragraphs (c)(2)(ii) and (iii) of this section for exceptions). Each code shall be unique for the carrier or agent to which it is assigned and may not be used by any other, regardless of mode. Each carrier or agent must use only the code assigned thereto and may not use any other, except where a separate code has been authorized for a particular tariff series. A carrier or agent may request that it be assigned a specific code (regardless of whether or not one has been previously assigned), which must be appropriate and not duplicate any other. To the greatest extent practicable, the first two letters of the requested code must relate to the carrier's or agent's name. "A," "An," or "The" forming part of the name of the carrier or agent should not be considered when requesting a code. A court-appointed receiver, trustee, executor, administrator, assignee, et cetera, who assumes possession and operating control of a carrier's lines, whether in whole or in part, shall use the old carrier's code. In all other cases where the name of a carrier is lawfully changed or the operating control (including temporary operating control under section 210a(b) of the act) of a carrier's properties is lawfully transferred in whole or in part to another party under authority of an order of this Commission, and the regulations in this part require the filing of an adoption notice; the code of the new carrier shall be used on the adoption notice and on all original tariffs filed thereafter in the name of the new carrier. (Where there is a change in the name of the carrier or agent without a change in ownership of a carrier or identity of an agent, a new code shall be assigned unless retention of the same code is authorized by the Commission. Exception: A code assigned for use on a specific tariff of an agent must continue to be used on that tariff. See paragraph (c)(2)(ii) of this section.) A code which has been previously but is no longer assigned may be reassigned after its prior assignment has been canceled for at least 5 years. All requests for codes shall be in writing.

(ii) Consideration shall be given to requests for the assignment of specific codes to classification tariffs and other specific types of governing tariffs which have a substantial nationwide application for a substantial number of participating carriers. The requested code must not duplicate any other. Such a code shall be assigned only to a tariff published and filed in the name of an agent. To the greatest extent possible a requested code must coincide with the first letter of the primary words in the title of the tariff. Only one such code shall be assigned to a tariff. Each code shall be unique for the specific tariff series to which it is assigned and may not be used by the agent on any other tariff or by any carrier or other agent.

(iii) Consideration shall be given to requests for assignment of a separate code to a carrier for use in identifying separately a division or district of the carrier. The requested code must not duplicate any other. This code shall be in addition to the base code assigned the carrier under the provisions of paragraph (c)(2)(i) of this section. The additional code shall be constructed by the use of the base code together with an appropriate letter suffix, designating the particular district or division thereof, which, including the suffix, may not exceed four alphabetical characters. Where the base code consists of four characters, the letter suffix shall be added to the first three characters of the base code.

(iv) The transportation industry shall file with the Commission in tariff form a list of the assigned alphabetical codes and the names of the carriers and agents to which they are assigned. This tariff shall be amended every three months (if the list has changed during that period) to maintain it in an updated condition. The amendments shall amend the list to the extent of showing changes, additions, and cancellations. The tariff, if in bound form, shall comply with the supplemental and volume limitations for tariffs provided in Part 1310 of this chapter. Partial amendments to the list may be shown in each supplement, and more than one partial amendment may be in effect at the same time. Only one tariff containing a list of codes may be in effect at one time.

(3) A standard tariff number assigned to a tariff shall consist of not more than four digits. The first digit

shall conform to the following grouping:

First digit of standard tariff numbers to be assigned to types of tariffs listed opposite thereto	Types of tariffs to which the first digits listed opposite thereto are to be assigned
1	Governing publications of all kinds; adoption notices.
2	Commodity rate tariffs.
3	Combined class and commodity rate tariffs.
4	Commodity column or distance rate tariffs.
5	Class rate tariffs.
6	Miscellaneous tariffs (those not included in any other category).
7	Import and export tariffs (tariffs assigned this digit must contain only import or export, or both, provisions).
8	Reserved for future assignment.
9	Tariffs containing rates or provisions covering emergency movements authorized by this Commission under sec. 210a(a) of the act.

When a tariff, because of the provisions it contains, could be construed as being of more than one type, the governing factor in assignment of the digit will be the category that represents the principal portion of the contents or that which signifies its primary purpose. Any tariff assigned any first digit, other than 7, may contain some, but not only, import or export provisions.

(4) The assigned number will remain the same from reissue to reissue of the tariff. A new tariff, not a reissue, shall not show a letter suffix following the tariff number, and the first reissue of it shall show the letter suffix A, the next reissue B, and so on until Z, following which the letter suffix A will again be used and the process repeated. In the example, in paragraph (c)(1) of this section, the first reissue of tariff ICC ABCD 2000 would be ICC ABCD 2000-A, the next reissue ICC ABCD 2000-B, and so on. Where the ICC or MF-ICC number on a tariff is changed to a standard ICC designation, there may be no letter suffix, or as an alternative, any letter suffix may be used, and reissues proceeding from there alphabetically. A carrier or agent may not on any of its tariffs provide a tariff number for its own purpose that is different in any respect from that used in the standard ICC designation, and whole numbers (not fractional or decimal) must be employed. The purpose is to dispense with and prohibit dual systems of numbering any tariff.

(5) A standard tariff number which has been previously but is no longer assigned and used on an effective tariff may be reassigned after the last tariff to which it was assigned has been canceled for at least 5 years.

(6) When a carrier or agent adopts the standard ICC designation system and obtains a code, it must continue to use such system and file no new tariffs using the consecutive numbering system. The designation of a tariff which employs the standard system may not be changed.

(7) Any tariff which refers to another as a governing publication or otherwise, using the standard ICC designation in such reference must clearly spell out the name of the carrier or agent whose tariff it is, or under the Explanation of Abbreviations or other appropriate place in the tariff explain the code as to the name of the carrier or agent for which it stands. If the code is assigned to the tariff, the explanation must clearly identify the tariff, including the name of the issuing agent.

(8) Tariffs that use numerical or alphabetical codes to identify carriers in connection with routing, participating carrier lists, et cetera, must convert such codes to the standard carrier codes not later than March 1, 1981.

(9) Tariff indexes containing the old ICC numbers of indexed tariffs shall be corrected to show the new ICC designation not later than 90 days from the effective date of the changeover of the particular tariff series in each case.

(d) *Conversion to new system.* (1) Each carrier or agent must obtain its standard code before it adopts the standard ICC designation system. A carrier or agent may elect to convert to the standard system only as each tariff is reissued, or a new one (not a reissue) is published, or in the alternative to convert all its existing tariffs at one time. In any event, all tariffs, except as otherwise provided in paragraph (c)(8) of this section, must be converted by March 1, 1979. If all existing tariffs are converted at one time, the notice of the conversion in each tariff shall be made by special supplement. Such supplement shall contain no other matter, shall not be canceled, shall be considered exempt from the supplemental limitations in this part for the life of the tariff involved, and shall be shown as a supplement to the old tariff. The supplement may be published on not less than one day's notice, and shall contain a notice reading substantially as follows:

NOTICE OF CHANGE OF ICC (OR MF-ICC) NUMBER

Effective [here show date which is next following the general effective date of the supplement] the [here show either ICC or MF-ICC] designation of this tariff, as heretofore amended, is changed to [here show new tariff designation]. All amendments to this tariff will hereafter use the new designation.

Any reference in any other tariff to this tariff by the previous [here show either ICC or MF-ICC] designation shall be construed as referring to this tariff by the new designation.

(2) Any reference in one tariff to another tariff by its old ICC or MF-ICC number, after such referred-to tariff has been reissued or converted using the standard ICC designation system, must be corrected by publication(s) filed within 60 days of the effective date of the changed designation. Such references may be corrected upon not less than 1 day's notice. A supplement issued to a bound tariff for the purpose of effecting such correction, and containing no other matter, may be issued and maintained without regard to the supplemental matter limitations of this part. If the corrections as to any particular bound tariff would require more than one page of tariff matter, corrections may be made by "Amendment to * * *" an item or other tariff unit provided the supplement contains only such corrective matter and is retained as a separate effective supplement (not reissued) for the life of the tariff or until all affected amended tariff items or units are reissued. Use of blanket form of supplement (a common supplement to two or more tariffs) to bound tariffs is authorized subject to the same conditions set forth in this paragraph.

(3) A loose-leaf tariff may only be changed to the standard ICC designation system, without complete reissue, by issuance of the supplement authorized in this paragraph plus a revised title page (effective the same date as the supplement and upon the same notice), subject to the further condition that the new title page and each new or revised page issued thereafter shall show in connection with the standard ICC designation the words "Formerly [here show either 'ICC' or 'MF-ICC']" followed by the old number.

(4) Tariffs (not supplements or loose-leaf page revisions) which are completely compiled and in the hands of the printer for publication, not filed, at the time of the complete changeover by a carrier or by an agent, which bear the old-type ICC or MF-ICC designation, may be filed if accompanied by the supplement authorized in this paragraph and in the case of a loose-leaf tariff by revised title page, and the circumstances explained in the letter of transmittal accompanying the filing.

(5) When a tariff filed in the names of two or more agents is converted, the conversion must become effective on the same date for all the agents involved.

(Sec. 310a, 5 U.S.C. 553, 558; 49 U.S.C. 5, 6, 12, 20, 318, 319, 904, 906, 1003, 1005, 1013; sec. 12, 24 Stat. 383 as amended, secs. 5, 6, 12, 24 Stat. 380 as amended, sec. 20, 24 Stat. 386 as amended; 49 Stat. 561, 563, 52 Stat. 1237 as amended; secs. 304, 306, 54 Stat. 933, 935; secs. 403, 405, 413, 56 Stat. 285, 287, 295; 80 Stat. 378)

[43 FR 8549, Mar. 2, 1978]

§ 1310.4 Form, size, and printing (rule 4).

(a) *Form, size, durability, and method of printing.* Except as otherwise provided in this part as to certain kinds of tariffs, all original tariffs filed on and after the conformity date of this part, and amendments to such tariffs, shall be of size not less than 8 by 11 inches and not more than 8½ by 11 inches. If, prior to such date, a tariff on file is of a different size, amendments thereto must either be of the same dimensions as the original tariff or be of size 8½ by 11 inches, except that once an amendment of size the prescribed size, except that once an amendment of the prescribed size is filed, all subsequent amendments thereto must also be of that size. Reissues of the tariff shall be of the prescribed size. All original tariffs and amendments thereto shall be in book, pamphlet, singlesheet, or loose-leaf form, be in the English language, and printed or prepared by other process on paper of good quality providing durable copies. Copies filed with the Commission and posted shall be clearly and permanently legible in every respect, free from blurring or distortion of content, and free from smudged or darkened background. Typewritten sheets, handwritten material, carbon copies, or proof sheets shall not be used for filing or posting. All copies filed and posted must be identical. (See § 1310.9(g) (rule 9) blanket supplements.)

(b) *Size of type.* Except as otherwise provided in § 1310.16 (rule 16), the type used shall be of size not less than 8-point or its equivalent (if systems not employing the printers' point standards are used), but in no case may there be more than 9 lines of printed matter to the vertical inch and 16 printed characters to the horizontal inch, with fractional inches of material to be in proportion. Characters, words, and lines shall be spaced in an uncrowded manner to assure easy readability of the material. See § 1310.0(a).

(c) *Alterations.* Alteration before reproduction by such as crossing out or blotting out material is not permitted. No alteration, insertion, or erasure of material in copies after reproduction is permissible. (See § 1310.9(g) (rule 9) blanket supplements.)

(d) *Margin.* A margin of not less than five-eighths of an inch with no printing thereon shall be allowed at the binding edge of each tariff publication. (The "binding edge" of a loose-leaf tariff or amendment is its left long edge if printed on one side of the sheet only. If printed on both sides, it is the right long side for the higher numbered page printed on the reverse side.)

(e) *Bound tariffs: pages and binding.* (1) Pages of an original bound tariff or supplements thereto filed on or after the conformity date of this part shall be consecutively numbered employing Arabic numerals. The title page shall not be numbered. If the reverse side of the title page is used for the publication of tariff matter, it shall bear the page number "2," the next page "3," and so on. If the reverse side of the title page is left blank, that side shall be unnumbered, the next page numbered "1," the next "2," and so on. Except for the title page, all pages containing tariff matter shall be unnumbered. Any numbered page intentionally left blank shall so state thereon. Both the inside and outside of a back cover to a bound tariff or supplement may contain printed matter. At the bottom of the last numbered page the following shall be shown: "(The End)." Original bound tariffs and supplements thereto (if any) on file prior to the conformity date need not be amended to revise the page numbering system of such publications, but all subsequent supplements shall comply.

(2) Any original bound tariff of two or more sheets and any supplement of two or more sheets shall be permanently bound. Stapling is acceptable, but use of plastic rings, fasteners which can be opened and closed, wire fasteners other than staples, brads, and other similar fasteners are not acceptable forms of binding and shall not be used.

(f) *Loose-leaf tariffs.* (1) The requirements of this paragraph shall not apply to title pages. See also § 1310.21 (rule 21) as to joint agents.

(2) Pages of a loose-leaf tariff may be printed on one side of the sheet or on both sides. Whichever general plan is used in the original tariff must be followed in all its amendments for the life of the tariff. Any numbered page intentionally left blank shall contain a statement to that effect.

(3) Pages of an original loose-leaf tariff filed on or after the conformity date of this part shall be consecutively numbered employing Arabic numerals only. Fractional or decimal numbers, or letter prefixes or suffixes, may not be used. The first page following the title page shall be designated as

"Original Page 1", the next page designated as "Original Page 2", and so on. Omit the words "No." and "Number". Tariffs filed prior to the conformity date of this part which do not show page 1 (original or revised) on the first page following the title page need not be reissued provided the tariffs otherwise comply with the requirements of this part. See § 1310.10(d) (7) and (8) (rule 10) for number designations to be employed on original pages added subsequent to the filing of an original tariff.

(4) Each page shall show the page designation in the upper corner opposite the binding edge corner. When the tariff is one published on both sides of the sheet, this would be the upper right-hand corner on one page and the upper left-hand corner for the next higher numbered page published on the reverse side. The page designation of a tariff published on both sides of the sheet may be shown in both upper corners of each page. See § 1310.10(d) (rule 10) as to cancellation of prior issues of the same page, and § 1310.3(a)(3) (rule 3) for placement of the ICC designation.

(5) Each page shall show at the top, in the center, the complete name of the issuing carrier or agent, as officially recorded with the Commission. Ocean carriers and air carriers filing tariffs jointly with this Commission and the Federal Maritime Commission or the Civil Aeronautics Board shall show the name officially recognized by that other agency. At the bottom, it shall show the issue date on the left side and the effective date on the right side. The date in each case shall show the name of the month spelled out, followed by the day and year by number. If the page contains matter effective upon a date other than the general effective date of the page, the notation "(Except as otherwise provided)" shall be shown in direct connection with the general effective date. Included in this category is matter reissued without change effective later than the general effective date of the new page, and therefore constituting an exception thereto. Except as to tariffs of joint agents (see § 1310.21 (rule 21)), each page shall show at the bottom, in the center, the name and title of the issuing party, and the complete street and mailing address of the carrier or agent, including the postal service ZIP Code number.

(6) Each loose-leaf page (original or revised) publishing a rate, charge, or provision which the carrier wishes to have considered pursuant to the zone of rate freedom provisions of subsection (d) of section 10708 of Title 49, United States Code, shall indicate this by showing an appropriate statement. The rate, charge, or provision shall be identified.

(g) *Ruling of tables.* When tables of rates, rate base numbers, or charges, or numerals or letters for other purposes are used, the pages shall be vertically ruled in columns of sufficient width to accommodate the matter to be shown thereon (including reference marks) without crowding or shall show equivalent blank spaces. At least one blank space or a ruled line shall appear after every sixth horizontal line, or less, of printed matter.

(h) *Items and numbering systems.*

(1) The Commission believes that simplicity would be better served by a reduction in the number of different categories of provisions, each with its own numbering system. Items, with item numbers, should be employed to the greatest extent possible. Rule numbers and index numbers may not be used for tariff provisions, except that tariffs filed prior to the conformity date of this part which contain such numbers shall continue the same system in subsequent amendments for the life of such tariffs. (Section numbers, class-rate table numbers, and note numbers, and numbers or letters within an item, may be used.) When arranging the contents, items should be relatively limited in size for convenience in handling amendments, but each essentially complete in itself. An original tariff should allow sufficient unused numbers within each numerical sequence used therein so that the use of other than whole numbers will be unnecessary when assigning numbers to future provisions. All numbering systems shall employ Arabic numerals.

(2) The numbers assigned to items shall be in numerical sequence in the

original tariff, but need not be consecutive. For example, items may be numbered 5, 10, 15, etc. Only one series of item numbers may be used in a tariff. Except as authorized for suspension-notice items (see § 1310.14(c) (rule 14)), alphabetical letters may not be used either alone or as part of an item number except as a suffix to designate amendments as provided in § 1310.10(c) (rule 10) and except as to classification tariffs. If two or more items relate one to the other in subject matter, or are considered subordinate in some way to a master item, it is permissible to use compound numbers. This is an initial number followed by a hyphen, then one of a new series of numbers—for example, item 400 and item 400-1, item 400-2, and so on. No decimal or fractional item numbers are permitted. If the whole initial numbers are used up, and new but unrelated matter must be inserted, a compound number may be introduced provided the initial number (for example, item 400 in the illustration) has not already been used in a compound number series. This, however, should be used sparingly, and the tariff considered for early reissue.

(3) Sections of a sectional tariff must be numbered (see § 1310.13 (rule 13)). Class-rate tables may or may not be numbered, but if they are, the numbers must be in numerical sequence. Notes outside of items must be numbered in numerical sequence.

(4)(i) Each rule or regulation shall be given a separate number. Where the following subjects are to be provided for in tariffs, the rules covering them shall bear the titles indicated and be assigned the item numbers indicated. If a title includes subjects not treated in the rule, those subjects may be eliminated from the title.

Item and Title

100 Governing Publications
110 to 119 Definitions
150 Application of Tariff, Schedule
160 to 290 Application of Rates
299 Absorptions
300 Advancing Charges
305 Advertising on Carrier Equipment
310 Advertising or Premiums
315 to 335 Allowances
340 Arbitraries or Differentials
345 Arrival Notice and Undelivered Freight
350 Assembling or Distributing Freight
360 Bills of Lading
370 Bulk Freight
381 Cancellation of Items
382 Cancelling Original and Revised Pages, Except the Title Page
390 Capacity Loads
405 Carrier Trade Names
407 to 419 Claims, Loss and Damage
420 Classification of Articles—General
421 Classification by Analogy
422 Classication of Combined Articles
423 Classification of Loose Articles
424 Classification of Parts or Pieces of a Complete Article
426 Classification of Reconditioning Bags
428 Classification of Various Documents Included with Freight
430 COD shipments
435 Collection of Charges
440 Commercial Zones
455 Consecutive Numbers
460 Consolidation of Shipments
465 Containers
470 Control and Exclusive Use of Vehicles
480 Customs or In-Bond Freight
490 Density
500 Detention—Vehicles With Power Units
501 Detention—Vehicles Without Power Units
502 Detention—LTL or AQ Shipments
503 Detention—Prearranged Scheduling
510 Distances
520 Equipment
530 Expedited Service
535 Expiration Dates
540 Explosives and Other Dangerous Articles
550 Export, Import, Coastwise or Intercoastal Freight
560 Extra Labor
565 Fractions
566 Handling Freight Not Adjacent to Vehicle
568 Heavy or Bulky Freight
570 Impracticable Operations
575 Light or Bulky Freight
578 Loading by Consignor—Unloading by Consignee
580 Marking or Tagging Freight
595 Maximum Charge
600 Meat Hooks or Racks
610 Minimum Charge
640 Mixed Shipment—LTL
645 Mixed Shipment—TL or Vol.
647 Notification Prior to Delivery
650 Operating Rights
660 Order—Notify Shipments.
670 Over Dimension Freight
675 Over Weight Shipments
680 to 689 Packing or Packaging
710 Pallets, Platforms or Skids
720 Payment of Charges
730 Peddler Truck Shipments
740 Permits, Special
750 Pickup or Delivery Service

753	Pickup or Delivery Service—Private Residence
754	Pickup or Delivery Service—Sundays or Holidays
755	Pickup or Delivery Service—Saturdays
756	Pickup or Delivery Service—Saturday, Sundays, or Holidays
765	Precedence of Rates
766	Precedence of Rules
770	Prepayment
780	Prohibited or Restricted Articles
784	Proof of Delivery
800	Proportional Rates
810	Protective Service
820	Reconsignment or Diversion
830	Redelivery
845	Reference to Tariffs, Schedules
846	Reissued Matter, Method of Treating
848	Released Value
850	Reporting Charge
860	Returned, Undelivered Shipments
880	Sealing of Trucks
881	Section 10721 Tenders
883	Shipments Tendered as a Truckload
885	Single Shipment Pickup
887	Sorting or Segregating
890	Special Services
900	Stopoffs
910	Storage
920	Substitution of Service
940	Terminal Areas
950	Terminal Charges at Ports
957	Tolls
959	Transfer of Lading
960	Transfer of Service
970	Transit Privileges or Services
980	Unnamed Points
985	Vehicle Furnished But Not Used
990	Weighing and Weights
992	Weight Verification
995	Weights—Gross Weights and Dunnage
997	Weights—Minimum Weight Factor

(ii) A carrier or agent may assign a title and number of its choosing for matter not listed in paragraph (h)(4)(i) of this section, provided the title and number chosen do not conflict with those listed.

(iii) If a title in paragraph (h)(4)(i) does not properly identify a rule's content, qualifying words, phrases or subtitles may be added. When qualifying words or phrases are used, the prescribed title shall be followed by a dash and the added words, for example: "Bills of Lading—Order Notify." Subtitles or references to excepted classification rules shall follow the title.

(iv) When it is necessary or practicable to split a rule into two or more parts, the prescribed item number may be subdivided. The first part of the rule (which shall contain the general or master rule, if any) must be assigned the prescribed item number without a numerical suffix. Each subdivision must be assigned a compound number, which shall be constructed by use of the prescribed number followed by a decimal or hyphen, then a new series of numbers—for example, item 390.1, 390.2, 390.3, etc., or item 390-1, 390-2, 390-3, etc., in numerical sequence. Each subdivision must show the prescribed title.

(v) Exceptions to a rule may be included in the general rule or arranged in items immediately following the rule to which exception is taken. In the latter case, exception items are to use the standard item number of the general rule followed by a suffix—for example, exceptions to item 568 would use items 568.1, 568.2, etc., or 568-1, 568-2, etc.

(vi) Tariffs subject to the provisions contained in § 1310.33 are not subject to the requirements of this subparagraph.

(Sec. 310a, 5 U.S.C. 553, 558; 49 U.S.C. 5, 6, 12, 20, 318, 319, 904, 906, 1003, 1005, 1013; sec. 12, 24 Stat. 383 as amended, secs. 5, 6, 12, 24 Stat. 380 as amended, sec. 20, 24 Stat. 386 as amended; 49 Stat. 561, 563, 52 Stat. 1237 as amended; secs. 304, 306, 54 Stat. 933, 935; secs. 403, 405, 413, 56 Stat. 285, 287, 295; 80 Stat. 378; 49 U.S.C. 10762)

[41 FR 30591, July 26, 1976, as amended at 42 FR 44237, Sept. 2, 1977; 43 FR 8552, Mar. 2, 1978; 45 FR 52163, Aug. 6, 1980; 45 FR 60440, Sept. 12, 1980; 46 FR 67667, Oct. 14, 1980]

§ 1310.5 Title page of original tariffs (rule 5).

(a) *Title page required.* Each original tariff shall have a title page, which shall contain the information required by paragraphs (b) through (l) of this section and in that sequence. It is the purpose of the title page to inform the tariff user. Hence it should identify the nature, purpose, and scope of the publication, but do so in a brief yet complete fashion. When any of these change, the title page must be amended at the same time. The essential elements follow, but others should be shown if they further the purpose. (See also § 1310.21 (rule 21) as to joint agents.)

(b) *ICC designation and cancellation notice.* In the upper righthand corner shall be shown the tariff's ICC designation. Immediately thereunder shall be shown the ICC designation of each tariff, if any, canceled thereby, except that if the cancellations are numerous, the ICC designations of the tariffs canceled may be shown immediately preceding the table of contents, and a reference to that cancellation notice shown under the ICC designation on the title page.

(c) *Loose-leaf tariffs.* The title page of an original loose-leaf tariff shall be printed on one side of the leaf only. The term "Original Title Page" must be shown in the upper left-hand corner.

(d) *Name and certificate number.* At the top, in the center, the complete name of the issuing carrier or agent, as officially recorded with the Commission, shall be shown. Ocean carriers and air carriers filing tariffs jointly with this Commission and the Federal Maritime Commission or the Civil Aeronautics Board shall show the name officially recognized by that other agency. If a motor or water carrier, its name must be followed by the number of the certificate issued to it by this Commission. Sub numbers of certificates need not be shown. On agency tariffs, when the agent is a corporation the name of the corporation shall be shown. When the agent is an individual, the name of the association (if any) for whom the agent acts may also be shown, in which case the name of the agent shall be preceded by the name of the association.

(e) *Type of rate, modes of transportation, and territorial application—rate tariffs.* (1) A tariff naming rates shall show statements indicating the type of rates therein, the modes of transportation for which the rates are published to apply, and the territorial application of the rates.

(2) The following terms must be used where and to the extent they properly identify such rates: local, joint, proportional, export, import, coastwise, intercoastal, distance, assembling, distribution, class, commodity, commodity-column (column-commodity), truckload, less-than-truckload, and any-quantity. If the tariff does not name any rates specifically restricted to apply on export, import, coastwise, or intercoastal traffic, these terms should not be used.

(3) Each mode of transportation must be specifically identified, such as all-motor routes, motor-water routes, motor-rail routes, etc. It is not necessary to repeat the name of the same mode appearing twice in a combination. Motor-rail-motor need simply be motor-rail.

(4) The statement as to the territorial application shall provide a brief but reasonably complete description of the territory covered by the tariff, or it shall list the states from and to, or between, which the rates therein are published to apply.

(f) *Governing tariffs.* A classification or other type of governing tariff shall show under the carrier's or agent's name a brief description of the tariff and its contents.

(g) *Nomenclature for tariff.* If desired, a brief reference name (e.g. "Iron and Steel Tariff") by which the tariff can be readily identified may be shown next.

(h) *Reference to item containing list of governing tariffs.* A tariff governed by one or more other tariffs shall next refer to the item containing a list of the publications governing the tariff in the following manner:

For governing publications, see item ———.

(i) *Tariffs issued under order or other authority.* If the entire tariff:

(1) Is issued to comply with a mandatory order requiring the specific action; or

(2) Is issued under authority of a permissive order allowing notice of less than thirty days or departure from tariff-publishing regulations; or

(3) Is published under a regulation of this part permitting less than thirty days' notice and/or departure from an outstanding order;

a reference to such order or rule by number, and the number of days' notice (where less than thirty is authorized) shall be shown.

(4) In addition to the requirements of this section, the title page of publications containing rates on household

goods as defined in 49 CFR 1056.1(a) when published for the account of household goods carriers as defined in 49 CFR 1040.2(b) on not less than 45 days' notice must show the following notation:

> This tariff (or supplement or looseleaf amendment) is published on not less than 45 days' notice within the meaning of 49 CFR 1100.40 (b), (f), and (h), and 49 CFR 1100.200 (c) and (d).

(j) *Issue and effective date.* (1) The issue date shall be shown in the left side and the effective date opposite thereto on the right side. The date in each case shall show the name of the month spelled out, followed by the day and year by number.

(2) A tariff containing matter effective upon a date other than the general effective date of the tariff must show a notation in direct connection with the general effective date. Included in this category is matter reissued without change from a prior tariff effective later than the general effective date of the tariff, and therefore constituting an exception thereto.

(3) The added notation for a bound tariff is:

> (Except as otherwise provided herein. See ————.)

The exceptions, whether referred to on the title page or on page 1, shall identify by number the provisions containing the exceptions. If the excepted provisions are not numbered, the page numbers on which they appear must be shown.

(4) The added notation for a looseleaf tariff is:

> (Except as otherwise provided).

(k) *Expiration dates.* An entire tariff that is to expire with a given date must show the following notation:

> This tariff, as amended, expires with [here show date of expiration], unless sooner canceled, changed, or extended.

(l) *Name and title of issuing party and address.* (1) Except as otherwise provided in § 1310.21 (rule 21), at the bottom, in the center, shall be shown the name and title of the issuing party, and the complete street and mailing address of the carrier or agent, including the postal service ZIP Code number.

(2) A tariff published in the name of a carrier must show the owner, a partner, or an otherwise authorized official or duly appointed traffic manager as the issuing party. Where the owner or a partner is the issuing party, no title is necessary.

(3) A tariff published in the name of an individual as agent or alternate agent must show that individual as the issuing party.

(4) A tariff published in the name of a corporation as agent must show its duly authorized tariff publishing officer as the one issuing it. See § 1310.27 (rule 27).

(m) *Zone of rate freedom statement.* Each tariff (or supplement) publishing a rate, charge, or provision which the carrier wishes to have considered pursuant to the zone of rate freedom provisions of subsection (d) of section 10708 of Title 49, United States Code, shall indicate this by showing an appropriate statement on the title page. Each rate, charge, or provision shall be identified. If the rates, charges, or provisions are too numerous to be identified on the title page, identification shall be on the first printed page following the title page.

(Sec. 310a, 5 U.S.C. 553, 558; 49 U.S.C. 5, 6, 12, 20, 318, 319, 904, 906, 1003, 1005, 1013; sec. 12, 24 Stat. 383 as amended, secs. 5, 6, 12, 24 Stat. 380 as amended, sec. 20, 24 Stat. 386 as amended; 49 Stat. 561, 563; 52 Stat. 1237 as amended; secs 304, 306, 54 Stat. 933, 935; secs. 403, 405, 413, 56 Stat. 285, 287, 295; 80 Stat. 378; Secs. 204, 217, 49 Stat. 546, as amended, 560, as amended, sec. 210a, as amended, 52 Stat. 1238, as amended, 49 U.S.C. 304, 317, 310a)

[41 FR 30591, July 26, 1976, as amended at 42 FR 63424, Dec. 16, 1977; 43 FR 8551, Mar. 2, 1978; 45 FR 52163, Aug. 6, 1980]

§ 1310.6 Contents of tariff (rule 6).

(See §§ 1310.14, 1310.22, 1310.24, 1310.25, 1310.27, and 1310.28 (rules 14, 22, 24, 25, 27, and 28) for provisions which may be filed on less than 30 days' notice.)

(a) *General requirements.* Tariffs must contain only rates, charges, and related provisions that cover services in strict conformity with each carrier's operating authority. No provision may be published in tariff publications which results in restricting service to less than the carrier's full operating authority or which results in exceeding such authority. Tariff publications containing such provisions are subject to rejection or suspension for investigation. Original tariffs shall contain the provisions required by paragraphs (b) through (n) of this section in the order named.

(b) *Check sheets—loose-leaf tariffs only.* The first page(s) shall be used to list in numerical order the numbers of the original loose-leaf pages comprising the tariff. (This page(s) must always show an updated listing of each page and supplement.) If the tariff is to also employ the "correction number, check off" type of "check sheet" as loose-leaf page amendments are filed, the first page on the next sheet shall show in a numerical order a list of correction numbers beginning with No. 1 (see § 1310.10(d)(13) (rule 10)). No other kind of matter may be printed on either side of these sheets.

(c) *Table of contents.* Except where a tariff contains less than 15 numbered pages, and its title page or interior arrangement plainly discloses its contents, each tariff must provide a table of contents, arranged alphabetically by general headings, fully descriptive and indicative of the matter being identified. Each such heading shall show the item or page number where information on that subject is located.

(d) *Reference to tariffs naming rates on other commodities.* A user of a tariff naming general commodity rates should be aided in locating other possible sources of rates on a considered shipment. Therefore, a general commodity tariff or a combined class and commodity tariff shall contain reference to any other tariffs published in the name of the same carrier or agent in which rates on other commodities are published from any origin to any destination within the same territorial coverage over the same carriers. Each reference must briefly describe the tariff, the commodities therein, and the territorial application.

(e) *List of participating carriers.* (1) A list of participating carriers (complete names must be shown) arranged alphabetically shall be provided, with the city and state of the principal office, the lead docket number of its certificate series, and the form and number of the power of attorney or concurrence issued. This does not apply to tariffs of a carrier having application only for that carrier. The carrier in whose name the tariff is filed is not to be named a participating carrier in any case. The commonly accepted rules for alphabetizing shall be used, with the key part of the name shown first. In the case of trade names and partnerships, the names of the individual or partners are to follow, but away from the left margin. The name or part of the name controlling its alphabetical position should be in upper case characters if the tariff employs both upper and lower case.

(2) When reference to a concurrence is shown in an agent's tariff, the carrier to whom it has been given shall be indicated.

(f) *Indexes of commodities, origins, and destinations.* (1) *Intent of Commission.* The tariff user must be provided with a quick, direct, and ready means to determine whether or not the tariff names a rate, rating or charge governing line-haul transportation as to any given traffic, and if so, where it may be found in the tariff. The Commission reserves the right to require reissue of any tariff which it believes does not afford the user adequate means for this purpose.

(2) *Indexes of Commodities.* (i) Each tariff naming commodity rates and each rate tariff naming ratings or classes constituting exceptions to the classification shall contain an alphabetically arranged index of articles together with a reference to the number of each item (or page) where such article is shown. The index shall list each article on which the tariff shows a commodity rate or shows an exception rating or class. The index may be omitted as to any tariff in which the commodity terms are arranged in the same order as shown in the classification governing the rate tariffs, either in the same order from beginning to end of the tariff or as to each section therein.

(ii) When nouns are not sufficiently explicit, articles shall be indexed also under the names of descriptive adjectives. All of the entries relating to different kinds or species of the same commodity shall be grouped together. For example, "Paper, building; paper, printing; paper, wrapping."

(iii) When articles are grouped together in one list under a generic heading as authorized in § 1310.7(g)(3) (rule 7), such generic name shall be shown in the index and opposite thereto shall be shown reference to each item (or page) where the generic term is used. Each article in the generic list must be shown separately in its proper alphabetical order in the index together with reference to each item (or page) where such article is shown by name. When such article appears only in a generic list, reference to the items (or pages) containing rates or ratings (classes) applying on such list may be omitted provided that in the index reference is given to the generic name as it appears in the index (e.g. Nitric Acid—*See* "Acids").

(iv) Tariffs naming rates on "freight, all kinds" shall list the term in the index but need not list each article embraced in the term.

(v) The index may be omitted if:

(A) All of the commodity rates to each destination in a general commodity tariff or a combined class and commodity tariff are arranged in alphabetical order by commodities; or

(B) The tariff names rates or exceptions on only "freight, all kinds."

(3) *Indexes of origins and destinations.* (i) Tariffs which name specific point to point rates shall provide an index of all points from which rates apply and a separate index of all points to which rates apply showing the states in which points are located. The indexes shall list as a minimum all points located within the territorial coverage of the tariff that are shown on the official state highway maps, if any, issued by the particular state authorities or, if none, on commercial highway maps equivalent thereto. The application of an intermediate point rule or a nearest point rule will not in itself, for purposes of this rule, require listing of a point or reference to the location of the rate made applicable from or to that point. The points shall be arranged alphabetically within each state and the states arranged alphabetically, or the points shall be arranged alphabetically throughout the index. If the point bears the same name as another point within the same state, the county in which the point is located shall be shown directly with the point. When all or substantially all the rates named in the tariff apply in both directions between the points shown therein, the points of origin and destination may be shown in one index. If there be not more than 12 points of origin or 12 points of destination, the names of such points may, if practicable, be shown in alphabetical order on the title page. In this event, the index of such points of origin or destination, or both, as the case may be, may be omitted.

(ii) When the tariff names rates for the account of more than one carrier, the index shall provide directly with such point the complete names of all carriers serving the point pursuant to the regular-route portion of their operating authorities from this Commission. The complete names of all carriers serving the point pursuant to the irregular-route portion of their operating authorities from this Commission shall also be shown to the greatest extent practicable. The name of a carrier serving the point pursuant to both types of authorities shall be shown only once. Omission of the showing of a carrier as serving a point does not in itself render inapplicable a rate named from or to such point. Carrier name abbreviations or code designations (see § 1310.3 for exception) may be used provided they are explained in the tariff in which used. Where desirable the rate tariff may refer to a separate publication (not a rate tariff) for the name or names of carriers serving the points appearing in such rate tariff.

(iii) If a tariff names a rate from or to a state or county without specifying the points in such state or county, a reference to the number of the item (or page) containing such rate shall be shown at the beginning of or in its proper alphabetical sequence in the appropriate index.

(iv) If rates are shown in a tariff by rate bases or by named, numbered, or lettered territorial groups, the indexes shall show the basis or group to which each point is assigned. When reference is made to a separate publication as provided in § 1310.18 (rule 18) for lists of points in such groups, such points may be omitted from the indexes. In this event there shall be shown in the table of contents the number of the item (or page) giving reference to the separate publication and there shall be shown at the beginning of the index of points (if the tariff contains any such index) reference to the separate publication.

(v) If rates are published in items, the indexes of points shall show the numbers of items in which rates from or to such points appear. When rates are not published in items, the indexes shall show the numbers of the pages on which rates from or to such points will be found.

(vi) The index of origins or destinations may be omitted if:

(A) Points of origin or of destination are shown in the rate or rate basis tables in groups arranged by states, the points being in alphabetical order in the groups and such groups also being in alphabetical order of states; or

(B) Points of origin or destination are shown in rate tables in continuous alphabetical order throughout the tariff; provided that, when the tariff names rates for more than one carrier, information will be included showing the carrier or carriers serving the various points.

(vii) If points are arranged in commodity items in alphabetical order or in numerical sequence by index numbers and such commodity items are referred to in the index of commodities required by paragraph (f)(2) of this section, such item numbers may be omitted from the indexes of points.

(viii) When points are arranged in rate tables in alphabetical order and indexes of points of origin and destination are not included in the tariff (under authority of a regulation in this section), the table of contents shall refer to the pages on which the rate tables showing an alphabetical list of points are to be found. Also, when points are grouped in rate tables by states, the table of contents shall give reference to the pages on which rates from or to points in each state will be found.

(g) *Statement of operating authority in rate tariffs.* (1) Tariffs naming rates (for account of regular or irregular route motor carriers) must either define clearly the carriers' authorized operations, both as to commodities and territories, insofar as they are pertinent to the application of the rates and routes, or must contain reference to a separate governing publication (not a rate tariff) containing such provisions and on file with this Commission. Such governing publication must be one authorized by § 1310.19 (rule 19). Unless a separate tariff is referred to which has provisions restricting the application of rates and provisions to the extent of carriers' operating authorities, the application of the rate tariff shall be restricted by a provision published therein as follows:

> Rates and provisions named in this tariff, or as amended, are limited in their application on interstate or foreign commerce to the extent of the operating rights set forth ["below" or "in items ——"]. Unless otherwise specifically provided, the provisions are to be interpreted in the same manner as the Commission interprets the certificate from which they are quoted, with respect to such as implied authority, commercial zones, tacking (of separate authorities), and diversion routes.

If the tariff names joint intermodal rates, the wording may be modified so as to confine the restriction to apply only to the extent the rates apply over the motor carriers.

(2) The limitation statements, reproducing a carrier's operating authority, should not be used as a substitute for the required description of commodities or territories in connection with the application of rates.

(h) *List of governing tariffs.* (1) Except where the regulations in this part permit omission of reference to certain kinds of governing tariffs, each tariff governed in any way by others must provide a list of such tariffs, arranged in columnar form, the columns headed as follows:

Title of Kind of Tariff
Issuing Agent or Carrier
Tariff No.
ICC Designation
For Special Provisions See ———.

Each such governing tariff shall be separately listed, the information called for by the headings fully explained, and the table headed by a provision reading:

> This tariff is governed, except as otherwise provided herein, by the following described tariffs, and by supplements or looseleaf page amendments thereto or successive issues thereof:

If there are no separate items explaining or further qualifying the application of any such particular tariff, the last column should be omitted. If all tariffs referred to bear standard ICC designations, the third column may be omitted.

(2) Except as otherwise specifically authorized by the regulations in this part, a rate tariff may not refer to another rate tariff for governing provisions and may not contain provisions purporting to govern another rate tariff; nor may a governing tariff contain any rule which in effect would permit a rate tariff to be governed by another rate tariff. A tariff issued by an agent may not refer to a tariff issued by another agent as a governing tariff except as to

(i) A tariff (not a tariff naming line-haul rates) covering services, charges, practices, privileges, allowances, or absorptions local to a member carrier's own line (§ 1310.15(b)(4) (rule 15));

(ii) A distance guide (§ 1310.16(e) (rule 16));

(iii) A classification (§ 1310.17(a) (rule 17));

(iv) A dangerous articles tariff (§ 1310.17(e) (rule 17)); and

(v) A scope tariff (carriers' operating authorities (§ 1310.19) (rule 19))

See the separate sections for details and conditions. Where the referred to tariff is a combination tariff containing tariff material in other than these categories the reference thereto must be appropriately restricted to exclude it. A tariff issued by an agent may not refer to a tariff issued by a carrier as a governing tariff except as to a tariff (not a tariff naming line-haul rates) covering services, charges, practices, privileges, allowances, or absorptions local to the carrier's own line—see § 1310.15(b)(4) for details and conditions. Where the referred to tariff contains other matter, the reference shall be appropriately restricted to exclude it. A tariff issued by a carrier may not refer to a tariff issued by another carrier as a governing tariff. A carrier may not publish and file local rates to apply for another carrier, nor any joint rates in which it is not a party.

(i) *Rules and other provisions which govern the tariff.* (1) Unless a separate tariff is published for this purpose (see § 1310.17(d) (rule 17)) and except as to those explanatory statements treated in paragraph (k) of this section, all of the rules or provisions stating conditions which in any way affect the rates named in the tariff shall be entered in the rate tariff under the heading "Rules and Other Provisions Which Govern the Tarriff." A rule affecting a particular item or rate must be specifically referred to in such item or in connection with such rate, except that provisions affecting more than one but not all of the rates in the tariff or applying to only a portion of the carriers for which the rates are published may be included in the explanatory statements authorized in paragraph (k) of this section.

(2) Each rule or similar provision must be given a brief, but descriptive, title.

(3) Except as otherwise specifically authorized in the regulations in this section, no tariff may include any rule or other provision which in any way or in any terms authorizes substituting a rate for any other rate or substituting a rate made up by means of a combination of rates, nor any rule to the effect that traffic of any nature will be "taken by special agreement," "taken at carrier's convenience," or other provisions of like import.

(4) Tariffs which contain rates for the transportation of dangerous articles (hazardous materials) shall also reproduce the regulations promulgated by the Department of Transportation governing the acceptance and transportation thereof, or must bear specific reference to a separate tariff which contains such regulations (see § 1310.17 (d) and (e) (rule 17)). The reference shall specify the applicable section numbers in the separate tariffs.

(j) *Exceptions to classification classes, ratings, and rules.* (1) Exceptions made to classification classes (or ratings) and rules, which apply only for the rates published in one tariff must be published in that tariff, and shall:

(i) Be published in a separate tariff section headed "Exceptions to the Governing Classification" or "Exceptions to the Governing Classification and Tariff of Exceptions Thereto" (see paragraph (j)(4) of this section for alternative plan).

(ii) Be arranged in the same order as they appear in the classification.

(iii) Be complete in itself (if a rule) by republication of the complete rule, section, or other identifiable unit affected, as amended by the exception, and identification of the rule in the classification (and in the tariff of exceptions, if any) and the part being changed. Every effort should be made to republish entire rules that are relatively small. If the exception is to make the rule, section, or unit not applicable, it need not be republished in full.

(iv) Describe the commodity (if a commodity exception) either in the same words, or as close thereto as possible, used in the classification, and use the generic heading (if any) appearing in the governing classification under which the article would otherwise fall (see paragraph (j)(5) of this section).

(v) Indicate if classes or ratings have any-quantity, less-than-truckload, truckload, volume, or other clearly defined quantity application.

(vi) Provide in the rate tariff for the nonapplication of any exception in a separate tariff, if any, to the same class, rating, or rule, or to the same part of the same rule.

(2) Different classes or ratings on the same article, articles, commodity, or commodities based on different minimum quantities may be published provided the lowest charge resulting from any such class or rating applied in connection with its published minimum (or actual quantity shipped, if greater) is made applicable by publishing such classes or ratings in the same item and by providing in connection with such item a rule to the effect that the lowest charge obtainable under the different classes or ratings and minimums applicable thereto (or actual quantities, if greater) will be applied.

(3) Exceptions may not be alternated with exceptions in another tariff or with classes, ratings, or rules in the classification. A statement providing that the class, rating, or rate on any article will be that applying to another article is not permissible.

(4) Exceptions to classification rules (not classes or ratings) may be included in the same section containing the rules authorized by paragraph (i) of this section, in which event the heading for the combined section must contain reference to the inclusion of both kinds of provisions, and the heading for the exceptions section must refer to classes or ratings only.

(5) An exception class or rating may be published to apply on the movement of a plant to a new location without naming each article to be transported thereunder. The tariff must specifically state that the class or rating applies only on the movement of a plant to a new location, name the categories of articles to be transported under the class or rating, and provide either that the class or rating does or does not include transportation of raw materials or finished or semi-finished products, in substantially the following form:

> Class (or rating) covers the movement of a plant to a new location only and applies only on the articles that are actually a part of the equipment, furnishings, materials, and supplies of such plant. [Here state whether or not the class or rating includes raw materials or finished or semifinished articles of manufacture or stock.]

to which should be added for inclusion or exclusion, for clarification purposes, categories of articles in connection with which there may be doubt as to whether or not the broad description covers or excludes. For example: tools; machine parts, used; office furniture, equipment, machines, and supplies.

(k) *Explanatory statements.* Tariffs shall contain such explanatory statements as may be necessary to remove all doubt as to the proper application of the rates and rules contained therein. When rates are published for account of any carrier under authority of a concurrence or of a limited power of attorney, and the rate application should accordingly be restricted, there shall be included in this section of the tariff an explicit statement clearly indicating to what extent the published rates apply for account of such carrier. Only such specific statements as are required to indicate the application with respect to particular carriers should be included in this section. The name of the carrier must be shown in the caption or heading of the item. General rules relating to the application of the rates should be published under paragraph (i) of this section.

(l) *Statement of rates.* Rate tariffs shall show a statement of rates applicable for the transportation of the articles or class of articles on which rates are named therein, arranged as set forth in § 1310.7 (rule 7).

(m) *Statement of routes.* A clear and explicit statement of routes over which the published rates apply prepared in accordance with the provisions of § 1310.8 (rule 8) shall be shown.

(n) *Explanation of reference marks, notes, and abbreviations.* (1) The use of reference marks and note references should be held to a minimum for the convenience of the tariff user. Abbreviations should be confined to those commonly used in business and commerce, and to carrier-name abbreviations and/or code designations (but only if the carrier is repetitively referred to). See § 1310.3 for exceptions.

(2) A reference mark intended for the same general and continued use in a tariff shall be explained at the end of the tariff under a heading "Explanation of Reference Marks for Standard Use Throughout the Tariff, as Amended." This explanation shall be published in a numbered item. Any reference mark explained thereunder may not be used for any other purpose, although its meaning or explanation may be specifically amended in an appropriate fashion. If a note reference is also adopted for general use, it must be treated in the same manner, in which case the prescribed heading shall add "and Notes" after "Reference Marks." Where other reference marks and notes are used in items or units or on pages and are not explained in the item or unit or on the page where used, they must be explained at the end of the tariff, but in a separate unit other than the one confined to general reference marks and notes. This unit need not be an item. If the explanation of any reference mark or note reference does not appear in the item or unit or on the page where used, the item, unit, or page must refer to where (page number of tariff) the explanation is given. If an abbreviation is not explained in the item or unit itself, or on the page on which it appears, the explanation must be provided in a location assigned for that purpose at the end of the tariff.

(3) Carrier name abbreviations or code designations (see § 1310.3 for exceptions) may be included as part of the List of Participating Carriers if one is published within the tariff, provided a statement to that effect is included under the Explanation of Abbreviations.

(4) State name abbreviations shall be explained unless they are abbreviations adopted by the U.S. Postal Service for official use. The following commonly used abbreviations are acceptable without explanation and will have the meaning shown in connection therewith. The abbreviation "cwt" may not be used for any other purpose.

Abbreviation	Explanation
&	And
Ave	Avenue
Blvd	Boulevard
Bldg	Building
Bros	Brothers
¢	Cents
Co	Company
Corp	Corporation
cu	Cubic
cwt	100 pounds
$	Dollars
E	East
etc	And so forth
e.g	For example
Ft	Fort
ft	Foot, feet
gal	Gallon
i.e	That is
in	Inch
Inc	Incorporated
lb	Pound

Abbreviation	Explanation
Ltd	Limited
Mfg	Manufacturing
Mt	Mount, Mountain
N	North
PO	Post Office
Rd	Road
S	South
St	Street
US	United States
wt	Weight
W	West

(5) Carriers and agents should, to the greatest extent possible, avoid using the same reference mark or note reference for different purposes in a tariff. If used for different purposes on the same page, the explanation must appear in each item or unit where used. A reference mark or note reference may not be used for different purposes within the same item or unit.

(6) The following reference marks (symbols) shall be used in the exact form shown for the purpose indicated and shall not be used for any other purpose.

or (R) to denote reductions
or (A) to denote increases
or (C) to denote changes which result in neither increases nor reductions in charges
to denote no change in rate (see § 1310.10(f) (rule 10))
to denote intrastate application only
to denote reissued matter (see § 1310.10(g) (rule 10)) 352 I.C.C.

When alternative reference marks (symbols) are provided in this paragraph, one should be used exclusively throughout the tariff, as amended. New or added matter (matter that does not actually change the application of published rates, charges, etc.) on which the prescribed reference marks (symbols) in this paragraph would not be appropriate shall be indicated as "New," "Addition," or "Add" or bear a reference mark of the carrier's or agent's choice properly explained.

(7) The mark II or ( ) is an acceptable substitute for the ☐ if compilation is by typewriter. Whichever is chosen must be used consistently throughout the tariff, as amended.

(Sec. 310a, 5 U.S.C. 553, 558; 49 U.S.C. 5, 6, 12, 20, 318, 319, 904, 096, 1003, 1005, 1013; sec. 12, 24 Stat. 383 as amended, secs. 5, 6, 12, 24 Stat. 380 as amended, sec. 20, 24 Stat. 386 as amended; 49 Stat. 561, 563; 52 Stat. 1237 as amended; secs. 304, 306, 54 Stat. 933, 935; secs. 403, 405, 413, 56 Stat. 285, 287, 295; 80 Stat. 378)

[41 FR 30591, July 26, 1976; 41 FR 35679, Aug. 24, 1976, as amended at 42 FR 44238, Sept. 2, 1977; 43 FR 8551, Mar. 2, 1978]

§ 1310.7 Statement of rates (rule 7).

(a) *Rates must be clear and explicit.* (1) The Act intends tariffs to be for the information and use by any and all members of the public, and to be published in a manner that will permit anyone with reasonable technical transportation knowledge and experience to understand the application. The regulations in this section are intended to insure, to the greatest extent practicable, that tariffs are so constructed that not only are they readable from a physical standpoint, but that their terms and conditions are susceptible to ready understanding and application. To protect the interest of the general public in this respect the Commission, through its Bureau of Traffic, may reject or require correction of any tariff provision which in its judgment is not sufficiently clear, explicit, and self-explanatory.

(2) The rates and the places from, to, and between which they apply shall be arranged in a simple and systematic manner. At least one of the rates shall be explicitly stated in dollars and cents in lawful money of the United States. Other rates in the tariff may be expressed as percentages of the stated rates, provided the tariff clearly explains how to compute the other rates and how to dispose of fractions. A rate may not be expressed as a fraction or multiple of another rate or as a percentage of a rate which is itself expressed as a percentage. All explicitly-stated rates shall be stated to apply per 100 pounds, per ton, or other standard United States unit (including metric) or defined (in the tariff) unit, but, except as otherwise specifically provided in this paragraph, not unit of time nor per cubic foot or other space-occupied basis. Per trailer, per truck, per truck-mile, per container, per

package, or other variable unit is permissible provided the measure of the service is fixed by defining the unit specifically, or in "maximum" terms, such as a stated maximum weight of contents permitted per truck or container of a certain maximum cubic capacity or measurement, or stated maximum dimensions or weight per individual package. Per-hour and other time-based units are permissible for terminal and other services under § 1310.15 (rule 15). Rates otherwise complying with this section may be subject to a minimum charge which employs a time factor, which, however, may not be less than a defined weekly period—such as a stated amount per defined vehicle per calendar week. Rates must be stated as having any-quantity, less-than-truckload, truckload, volume, or other clearly defined quantity application.

(3) If the rates on a page, or in a table or column, are generally to apply per 100 pounds or other one unit, that fact may be stated in the caption or heading thereof, with the addition of "except as noted" or other words of like import if exceptions are to be made. If for an entire tariff, this fact may be stated on the title page of the tariff. If done, the statement of unit of application need not be repeated each time in connection with each rate.

(4) The names or other proper designations of the places from, to, between, or within which the rates are published to apply must be shown. The rates may be stated as applying from, to, or between named states, counties, cities, towns, townships, or other named state locations that have a precise meaning territorially; or from, to, or between described areas provided the limits of such described areas are in geographical terms, such as named rivers or numbered highways, or by established political boundaries, such as state or county lines. Points which bear the same name within the same state must be properly identified by showing directly therewith the counties in which they are located. Code letters and/or numbers may be used for grouping but otherwise they may not be substituted for names of origins or destinations in items unnecessarily. Subject to the provisions of paragraph (a)(5) of this section, rates may be published to apply from or to a plant site, construction site, etc. Rates may not be stated as applying to the commercial zone of a point, as defined by the Commission, unless the appropriate description referred to is published in the tariff or in a governing tariff.

(5) When rates are published to apply from or to a named plant site, construction site, or other site, the location of the site must be identified as specifically as possible. For example, the "plant site of John Doe Manufacturing Company, on U.S. Highway 10 approximately 23 miles east of A Town, Z State." The terms "near" or "near or at" should be avoided, unless they contribute still more specificity. Rates may not be published to apply as above from or to a named shipper or receiver (except for the purpose of identifying the site), or from or to a named site located within a city, town, or township unless the carrier's operating authority is so restricted in the same words.

(6) Where it is necessary to carry over part of a rate item or table to a succeeding column or page, the general captions to which the continued material is subordinate and any explanation of column headings necessary for an understanding of such material must be repeated.

(7) All rates and provisions must be arranged in a simple and systematic manner. Complicated plans, including those requiring multiple-step computing not authorized by the regulations in this part, may not be used. Ambiguous, conflicting, or indefinite terms, rules, or other provisions affecting or governing the application of rates are prohibited.

(8) Except as specifically authorized, a rate item or other rate unit may not refer to another rate item or other rate unit for commodity descriptions or other application, and a rate may not be stated as applying only in the absence of another rate, or as applying regardless of another rate named to apply.

(9) Joint rates having intermodal application only over motor and water carriers, and rates restricted to apply

only on shipments having a prior or subsequent movement by water carriers may be stated in cents, in dollars, or in dollars and cents per cubic foot or other space-occupied basis, provided it is clearly and explicitly stated how the determination is made.

(10) Tariffs shall contain a rule governing what shall apply on returned undelivered shipments. In the absence of such a rule, the following shall govern. Any class or commodity rate published to apply over a named route or routes in one direction effective on the date of return is applicable on the undelivered shipment returned over the same route but in the reverse direction. However, if there is another rate specifically published to apply on the considered shipment being returned, over the same route, which results in a lower total charge, that rate shall apply in the absence of provisions to the contrary.

(b) *Arbitraries.* A tariff may provide rates from or to designated points by the addition of arbitraries to rates shown therein from or to named base points. Provision for this shall be shown either in a separate item in the same tariff, which must specifically name the base point and clearly and definitely state the manner in which such arbitraries shall be applied, or in a separate rate basis tariff as provided for in § 1310.18 (rule 18). Arbitraries, or any provision for addition (or subtraction) of any amounts, may not be published to construct rates to apply from or to the base point itself, or to differentiate between commodities, nor may any tariff provision be made, whether in the same tariff or in a governing tariff, for accrual of the charges to a certain carrier or carriers, or for division of the revenue between carriers.

(c) [Reserved]

(d) *Minimum quantities.* When a rate per 100 pounds, per ton, or other weight or quantity unit stated as being a truckload (not "per truck", etc.—see paragraph (a)(2) of this section) rate or volume rate is published, a minimum quantity on which the rate is published to apply must be provided in that tariff, except as otherwise provided in paragraph (g) of this section authorizing separate lists tariffs or combined exceptions and lists tariffs. Where a rate or rating refers to a separate list elsewhere in the same tariff or in a different tariff, the minimum quantity or quantities (if any) applicable shall be stated in direct connection with the rate or rating, unless different minimum quantities apply to different commodities. In the latter case, the minimum quantities may be shown in the list.

(e) *Rates based on varying quantities.* Different rates based on different minimum quantities may be published, provided the lowest charge resulting from any such rate applied in connection with its published minimum (or actual quantity shipped, if greater) is made applicable by publishing such rates in the same item or in different columns on the same page and by providing in connection with such items or rate columns a rule to the effect that the lowest charge obtainable under the different rates and minimums applicable thereto (or actual quantities, if greater) will be applied.

(f) *Mixed shipments.* If two or more commodities are listed in connection with a rate or rating application, there must be a clear statement as to whether the rate or rating applies on straight shipments only, on a specific mixture of such articles only, or on straight or mixed shipments. If one or more of such commodities are to be subject to a rate or a minimum quantity or both, different from the others, how the minimum charge per mixed shipment is to be determined must be made clear. This is also required if two or more rates or ratings, based on different minimum quantities, are provided for the same commodity. Where different rates or ratings, or different minimum quantities are so provided, there must be a statement published to the effect that the deficit, if any, in the applicable minimum weight shall be rated at the lowest rate or rating used for any commodity in the shipment.

(g) *Generic terms.* (1) A tariff may provide for the transportation of a plant to a new location by publication of a point-to-point commodity rate published to apply on commodity descriptions employing generic terms. The rate may not be published to apply in both directions. The rate and related provisions must be indicated to expire with a specific date not later than six months from their effective date, which may be extended for an additional period totaling not more than 12 months (only) from the original date by republication. All provisions must terminate at that time. The tariff must specifically state that the rate covers a movement of a plant, name the categories of articles to be transported under the rate, and provide either that the rate does or does not include transportation of raw materials or finished or semifinished products, in substantially the following form:

> Rate covers the movement of a plant to a new location only and applies only on the articles that are actually a part of the equipment, furnishings, materials, and supplies of such plant. [Here state whether or not the rate includes raw materials or finished or semifinished articles of manufacture or stock.]

to which should be added for inclusion or exclusion, for clarification purposes, categories of articles in connection with which there may be doubt as to whether or not the broad description covers or excludes. For example: tools; machine parts, used; office furniture, equipment, machines, and supplies.

(2) Commodity rates may be published to apply on straight (a single commodity) or mixed (two or more commodities) shipments of "freight, all kinds" without naming the individual commodities embraced in such term. Only the term "freight, all kinds" is authorized. The rates may be restricted to not apply on one or more commodities provided such commodities are specifically described. To avoid conflicting or duplicating rates (which are prohibited by paragraph (j) of this section), a notation reading substantially as follows may be shown:

> Rate does not apply on a straight shipment of a single commodity where there is published to apply on such shipment a specific commodity rate.

(3) Except as otherwise authorized in subparagraphs (1) and (2) of this paragraph, a commodity rate item may, by use of a generic term, provide rates on a number of articles without naming such articles, provided such commodity item contains reference to an item (not a rate item) in the tariff which contains a complete list of such articles, or contains reference to a separate tariff (not a rate tariff) containing such a list, or both. Example: "Packing house products, as described in item ——, or successive issues thereof," or "Packing house products, as described under heading 'Packing house products' in [here show ICC designation] supplements (or loose-leaf page amendments) thereto or successive issues thereof." The separate list must bear a commodity caption (for example "Chemicals, namely:") and the caption must be worded identically with the reference thereto. Reference may not be made to a separate list for only a portion of the commodities included in the list nor restricted to those which are subject to certain ratings. The commodities in each list must be alphabetically arranged.

(4) A separate tariff, not containing rates and not a classification (see paragraph (g)(5) of this section), may be filed by a carrier or an agent, showing lists of the commodities and minimum quantities, on which rates published by reference to generic terms will apply, and rate tariffs may be made subject thereto as provided above. The title page of such separate publication shall contain the following notations:

> List of commodities upon which rates are provided in tariffs making reference hereto," and "This tariff may be used only in connection with tariffs making specific reference hereto by ICC designation.

Except as provided in § 1310.17(c)(4) (rule 17), pertaining to combined exceptions and lists tariffs, a separate publication issued for the purpose of publishing generic lists shall contain no information other than that authorized in this paragraph. Except as to reference to a classification for commodity descriptions (see paragraph (g)(5) of this section), only one such publication may be in effect at any time in a carrier's or agent's file and it may list only generic terms which refer to 10 or more commodities. Otherwise the tariff of rates shall specify each commodity upon which the rates therein apply. A tariff of rates may not refer to another tariff of rates for lists of commodities.

(5) A rate tariff (only) may refer to a classification (see § 1310.17 (rule 17)) instead of, or in addition to, a separate list tariff for description of articles on which rates published by reference to generic terms will apply. The reference may be restricted to the descriptions in certain identified items under the generic heading referred to. A rate item may also refer to certain items in the classification for a more complete description of the commodity named instead of for purposes of a list of commodities. In this event, the commodity term used in the rate item must embrace the commodities in such classification items, and the use of the classification items must be necessary only for the descriptive details, governing conditions and requirements, or other material. The rate tariff must clearly indicate whether or not the reference to the classification items is intended to embrace any reference therein in turn to notes, qualifying conditions, and other matter published in conjunction with the classification items.

(h) *Commodity rates.* (1) Except as otherwise provided in paragraph (g) of this section, when commodity rates (including column commodity rates—see § 1310.29 (rule 29)) are established, the description must be specific and the rates thereon may not be applied to analogous articles. As far as possible uniform commodity descriptions should be used in all tariffs. If the carrier or agent anywhere maintains class rates governed by a classification, the article on which the commodity rate is published to apply shall be described either in the same words used in the classification or as close thereto as possible. If the article appears under a generic heading in the classification, the rate tariff must also show that exact heading and the commodity as subordinate to it.

(2) If a commodity rate (distance or otherwise) is published, such commodity rate, except as otherwise provided in these rules, is the applicable rate and the only rate that may be applied from and to the same points over the route or routes over which the commodity rate applies, even though a class rate (except as provided in this paragraph, paragraph (n) of this section, and § 1310.13 (rule 13)) may make a lower charge.

(3) When, because of differences in minimum weights, package requirements, mixed quantity provisions, or other conditions, the charges accruing under commodity rates result in higher charges than those accruing under the class rates published in other tariffs, provision may be made in a tariff containing commodity rates only, for the alternation of such rates with class rates published in not more than three other tariffs, provided that the commodity tariff contains specific reference to the class tariffs and shows in connection with each reference a complete description of the origin and destination territory shown in that tariff. The following notation must be shown in the commodity tariff under the application of rates:

> If the charges accruing under the class rates published in the following tariffs, including supplements or loose-leaf page amendments thereto or successive issues thereof, from and to the same points via the same routes are lower than the charges accruing under the commodity rates published in this tariff, the lower charges resulting from such class rates will apply. [Here show ICC designations of the class tariffs and the required description of each.]

(4) If a commodity tariff contains only a few rates which result in higher charges than would accrue under the class rates, the reference to the class tariffs prescribed herein should be shown immediately in connection with such commodity rates or may be shown in a separate item shown under an appropriate heading and reference to such item shown immediately in connection with the commodity rates.

(5) Great care should be exercised in describing the territorial application of the class tariffs in order that users of the commodity tariff may determine without examining the class tariffs, which of such class tariffs is to be used in connection with any commodity rate. The alternative application of commodity rates in one tariff with class rates in another tariff may be resorted to only where there is real necessity therefor, and that wherever possible, the commodity rates should

be revised so that they will not exceed the class rates between the same points.

(i) *Rates of a carrier must be in limited number of tariffs.* (1) It is the sense of the regulations in this paragraph that rates be so published that the user of a particular tariff may expect that as to the issuing carrier or as to a carrier named as a participant in an agent's tariff that: where local rates, the tariff will contain all the issuing or participating carrier's local rates of a particular kind (class or commodity), on a considered commodity and shipment if within the scope of the tariff application and unless specifically restricted otherwise; and where joint rates the tariff will contain all the joint rates over the same joining carriers in the joint route of a particular kind (class or commodity) of rate, on a considered commodity and shipment if within the scope of the tariff application and unless specifically restricted otherwise.

(2) Except as otherwise provided in this paragraph, a tariff naming any local class rate for a carrier must name all that carrier's local class rates published to apply within the scope of that tariff, and a tariff naming any local commodity rate for a carrier must name all that carrier's local commodity rates published to apply within the scope of that tariff.

(3) Except as otherwise provided in this paragraph, a tariff published in the name of a carrier containing any joint class rate or containing any joint commodity rate, or a tariff published in the name of an agent containing any joint class rate or containing any joint commodity rate for a carrier who participates therein under a power of attorney, must contain all of that carrier's joint class rates or must contain all of that carrier's joint commodity rates, as the case may be, published to apply within the scope of that tariff in connection with the carriers parties thereto, irrespective of differences, if any, as to the point of interchange between such carriers.

(4) When carriers participating under powers of attorney in joint-rate application with other carriers, but not with each other, in tariffs having the same scope, but published by different agents, wish to establish a joint rate with each other, such rate may be published in either agent's tariff.

(5) Distance or mileage rates, or commodity column rates (column commodity rates) may be published each in a separate tariff for that particular kind of rate only. Each of such tariffs must, in all other respects, comply with the requirements of this paragraph.

(6) Rates for a special type of service, such as for pool-truck distribution, or assembling or distribution rates under Section 408 of the Act, need not be included in the same tariff with rates for regular service or for other special type of service, but if not, the requirements of this paragraph must, in all other respects, be complied with as to each such tariff as to that particular service. Rates providing merely a lesser or greater degree of service on what essentially is the same traffic (for example, rates which do not include pickup or delivery service, or rates which apply only when transit service, included in the rate, is performed on the shipment) are not rates for a special type of service within the meaning of this paragraph.

(7) If a carrier wishes as to a certain commodity or commodities to publish in a tariff some local commodity rates, or some joint commodity rates in connection with a certain carrier or carriers, which are encompassed within the scope of another tariff, the latter tariff must provide that it names no local rates for account of that carrier, or no joint rates for the account of that carrier in connection with the other carrier or carriers, as the case may be, as to that commodity or commodities, identifying clearly the commodity or commodities without use of undefined generic terms. The restriction published for this purpose in the tariff must be a general one, and may not be provided for by individual restrictions in rate items or in connection with specific rates.

(8) For the purpose of this paragraph, the "scope" of a tariff means the commodity and territorial coverage of a tariff. The publication of rates on a commodity or commodities, whether in straight or in specific mixture shipments (including rates on

"freight, all kinds" and like terms), establishes the commodity coverage as being that commodity, commodities, or specific mixture of commodities, as the case may be. The publication of rates from an origin area or to a destination area establishes the origin territorial coverage or destination territorial coverage as one blanketing the area bounded by a line drawn through the outermost of such origins or such destinations and this includes all points within such boundaries whether or not a rate is published from or to such points.

(j) *Conflicting or duplicating rates prohibited.* The publication of class or commodity rates which duplicate or conflict with the rates published in the same or any other tariff over the same route is not permissible. Except as otherwise authorized in the regulations in this part, the publication of a statement in a tariff to the effect that the rates published therein take precedence over the rates published in some other tariff, or that the rates published in some other tariff take precedence over or alternate with the rates published therein, is prohibited. (See also paragraph (a)(8) of this section.)

(k) *One-factor through rate applies.* When a carrier or carriers establish a local or joint one-factor rate for application over any route from origin to destination, such rate is the one that must be applied by such carrier or carriers over the authorized route, notwithstanding that it may be higher than the aggregate of intermediate rates over such route. No rule may be published which provides for the use of any such aggregate, if lower.

(l) *Proportional rates.* Tariffs containing proportional rates must clearly and definitely show the application thereof. If a proportional rate is intended for use on traffic destined to a restricted territory, such territory should be clearly defined. For example, a tariff naming a proportional rate to St. Louis, Missouri, intended for use on traffic destined to points in Kansas, shall state that the proportional rate applies only for the purpose of constructing rates on traffic destined to points in Kansas. If the application of a proportional rate is not restricted, such proportional rate will be usable in connection with any other applicable rates from or to the proportional rate point. A statement that proportional rates apply from (or to) points from (or to) which no through rates are published must not be used, as such a statement is not sufficiently definite to restrict the application of the rates and such proportional rates could not in any event be applied on traffic on which applicable through one factor rates are published. However, proportional rates may be published to apply only on traffic from or to (or from and to) points on the line or lines of a particular carrier or carriers. It is not permissible to include a provision in a tariff to the effect that proportional rates will be stated percentages of other rates.

(m) *Export, import, coastwise, and intercoastal rates.* Export, import, coastwise, and intercoastal rates, when so designated, whether class or commodity, take precedence over rates (either class or commodity), not so designated, published to apply between the same points, over the same route, on export, import, coastwise, or intercoastal traffic, as the case may be, and tariffs containing such rates or governing tariffs must so provide, and must define such terms. (See § 1310.33 Export and Import Traffic—Ocean Carriers.)

(n) *Intermediate application of rates.* (1) By means of the rules authorized in this paragraph, the application of published class and commodity rates may be extended to intermediate points. Such rules may be used only to provide application from or to, as the case may be, points situated on the regular-route portion of a carrier's operating authority from this Commission. Any such rule published in a tariff must show in connection with it that it is applicable only as to points on the regular routes of the carrier.

(2) If the rules are published, they must be accompanied by a statement as to whether or not, for purposes of application of the rules, locations within one mile of a highway which may be served under the implied authority of the carrier's certificate shall be considered intermediate if the corresponding location on the highway is intermediate. Also, if off-route points

(if any) authorized to a carrier to be served in connection with its regular route authority shall be considered intermediate if the point on such highway to which it is nearest is intermediate.

(3) The wording of the rules shall not be varied. Tariffs may, however, by appropriate provision published in connection with any such rule, provide that it will apply only in connection with the rates or routes making reference thereto, or may provide for the nonapplication of any such rule to particular rates or routes.

(4) The rules applicable in connection with commodity rates shall read as follows:

COMMODITY RATES APPLICABLE FROM INTERMEDIATE POINTS

When any point of origin is not provided in this tariff with a commodity rate on a given article to a particular destination over a particular route, and such origin is between the considered destination and a point from which a commodity rate on the article is published herein over the same route to such destination, apply on such article the commodity rate from the next more-distant point from which a commodity rate is named thereon over the considered route through the intermediate point, except as provided in notes 1, 2, 3, and 4.

NOTE 1.—When, by reason of branch or diverging routes, there is more than one more-distant point from which commodity rates on the article to the considered destination are named herein, apply the rate from the more-distant point which, on that article to the same destination over the same route, results in the lowest charge.

NOTE 2.—If the intermediate point is located between two points from which commodity rates on the same article are published in this tariff to the same destination over the same route, apply that one of such rates which results in the higher charge. If, due to branch or diverging routes, there are two or more next more-distant points in the same direction, only that one of such points from which the lowest charge results will be considered in applying the provisions of this note.

NOTE 3.—If the class rate on the same article to the same destination over the same route from the intermediate point produces a lower charge than would result from applying the commodity rate under this rule, such commodity rate will not apply.

NOTE 4.—If there is in any other tariff a commodity rate (not made by use of an intermediate-point rule) published for account of the same carrier or carriers on the same article from the considered intermediate point, applicable to the same destination over the same route, the provisions of this rule will not be applied from such intermediate point.

COMMODITY RATES APPLICABLE TO INTERMEDIATE POINTS

When any point of destination is not provided in this tariff with a commodity rate on a given article from a particular origin over a particular route, and such destination is between the considered origin and a point to which a commodity rate on the article is published herein over the same route from such origin, apply on such article the commodity rate to the next more-distant point to which a commodity rate is named thereon over the considered route through the intermediate point, except as provided in notes 1, 2, 3, and 4.

NOTE 1.—When, by reason of branch or diverging routes, there is more than one more-distant point to which commodity rates on the article from the considered origin are named herein, apply the rate to the more-distant point which, on that article from the same origin over the same route, results in the lowest charge.

NOTE 2.—If the intermediate point is located between two points to which commodity rates on the same article are published in this tariff from the same origin over the same route, apply that one of such rates which results in the higher charge. If, due to branch or diverging routes, there are two or more next more-distant points in the same direction, only that one of such points to which the lowest charge results will be considered in applying the provisions of this note.

NOTE 3.—If the class rate on the same article from the same origin over the same route to the intermediate point produces a lower charge than would result from applying the commodity rate under this rule, such commodity rate will not apply.

NOTE 4.—If there is in any other tariff a commodity rate (not made by use of an intermediate-point rule) published for account of the same carrier or carriers on the same article to the considered intermediate point, applicable from the same origin over the same route, the provisions of this rule will not be applied to such intermediate point.

(5) The rule applicable in connection with class rates shall read as follows:

CLASS RATES FROM AND TO INTERMEDIATE POINTS

From or to any point not named or referred to in this tariff which is intermediate to a point from or to which class rates are published herein through such unnamed point, the class rate published herein over the same route from or to the next more-distant point will be applied, except as provided in notes 1 and 2.

NOTE 1.—When, by reason of branch or diverging routes, there is more than one more-distant point from or to which class rates are named herein, apply the rate published to apply over the same route from or to the more-distant point which results in the lowest charge.

NOTE 2.—If the intermediate point is located between two points from or to which class rates are published to apply over the same route, apply the rate which results in the highest charge. When, by reason of branch or diverging routes, there are two or more next more-distant points in the same direction, only that one of such points from or to which the lowest charge results will be considered in applying the provisions of this note.

(6) Intermediate rules may not be published to apply on the same traffic on which unnamed points rules as set forth in paragraph (p) of this section have been published.

(o) *"From" and "to" intermediate rules may apply in connection with same rate.* When the rules providing application "from" and "to" intermediate points are both shown in connection with any class or commodity rate, they establish class or commodity rates from intermediate points of origin to intermediate points of destination on such classes or commodities. Unless otherwise provided in the tariff, intermediate application rules establish rates from or to intermediate points on the regular routes of carriers parties to the tariff without regard to the concurrence forms and numbers under authority of which carriers are shown as participating carriers.

(p) *Class rate from or to unnamed points.* (1) Where use of the class-rate intermediate rule is not permitted or will not suffice to cover all unnamed traffic generating or receiving points a carrier may serve, the rule authorized by this paragraph may be published as an alternative. However, if an intermediate rule is published this unnamed-points rule must give it precedence in application and must be restricted to not apply where the intermediate rule provides a rate.

(2) Any tariff naming class rates may provide for the application of such rates from or to unnamed points by including the rule set forth in paragraph (p)(4) of this section. Before a tariff may include the rule, the tariff must provide, as a minimum, class rates for all points within the territorial coverage thereof which the carrier or carriers participating in the rule have authority to serve which are shown as points on the official state maps issued by the particular state authorities or on commercial maps equivalent thereto.

(3) The rule may not be published to apply on class rates having a limited application, such as assembling and distribution rates.

(4) The rule shall read as follows:

CLASS RATES FROM OR TO UNNAMED POINTS

From any unnamed origin point located on a highway between two named points, apply the higher of the class rates provided from such named points.

To any unnamed destination point located on a highway between two named points, apply the higher of the class rates provided to such named points.

In each case, the named point must be the nearest named point on a highway (or highways) leading thereto from the unnamed point.

When, by reason of branch or diverging highways, there are two or more nearest named points equidistant from the unnamed point, the highest rated of the nearest named points will be used.

From or to unnamed points located on highways, but not located between named points, or from or to unnamed points not located on highways, apply the following:

When the distance between the unnamed point and the nearest named point is:	The rate from or to the unnamed point will be determined by adding the following arbitrary to the rate from or to the nearest named point.
Distance in miles (See Note)	Arbitraries in cents per 100 pounds (or other unit on which the base rate is published)
————or less	————————
————and over	————————

NOTE.—In determining the distance, the actual distance over the shortest route over which a truck can operate shall be used. Distances shall be computed from or to the Post Office having the same name as the named point from or to which a rate is published (Use the main Post Office if it has more than one) from or to the actual place of loading or unloading. If the point named herein from or to which a rate is published has no Post Office by the same name, the distance shall be computed from or to the generally recognized business center of the community.

This rule does not authorize a carrier to handle shipments from or to points or via routes not within the scope of its operating authority.

If there is any other tariff, a class rate published specifically to or from the unnamed point, for account of the same carrier or carriers, over the same route, this rule will not apply.

The definitions of terms as used in this rule are as follows:

"Highway" means the roads, highways, streets, and ways in any state.

"Point" means a particular city, town, village, community, or other area which is treated as a unit for the application of rates.

"Unnamed" point is one from or to which class rates are not provided, other than by use of this rule.

"Named" point is one from or to which class rates are provided in this tariff, other than by use of this rule.

(q) *Released rates.* Unless otherwise specifically authorized, the provisions prescribed by a released rates order of the Commission must be published in the same tariff (not in a governing tariff) as the commodity rate, the rating (class), or the charge which is directly subject to the released-value provisions. If the released-value provisions are not published in the same location in the tariff as such rate, rating, or charge therein subject thereto, a statement positively identifying the rate, rating, or charge as a released-value rate, rating, or charge (in addition to reference to the location of the provisions prescribed by the order) shall be published directly with the rate, rating, or charge (not through a reference mark and explanation elsewhere). This statement must be positioned in such a manner that the character of the rate, rating, or charge will be clearly apparent to the tariff user reviewing the rate, rating, or charge.

(r) *Statement required when classification basis exceeded.* It is a principle of longstanding that classification classes or ratings and rules, together with the class rates governed thereby, generally provide the highest rates and charges which an article should bear. It follows that any tariff provision (e.g. exceptions rating, commodity rate, charge, rule, et cetera) the application of which in any case would result in a higher charge than otherwise would result from application of the classification class or rating and rules to the class rates would require special justification. Therefore, accompanying the tender to the Commission of a tariff, supplement, or looseleaf page which names such a tariff provision, there shall be a clear statement by the publishing motor common carrier or agent of the justification relied upon to warrant the higher charges. Any such publication not accompanied by a statement of justification shall be subject to rejection. This paragraph does not apply (1) in connection with minimum charges for small shipments (provided they are based on weights not over 500 pounds), (2) with respect to publication of rates and provisions for a special service which under the tariff the shipper has the option of using by requesting it in writing (e.g., expedited service, exclusive use of vehicle, et cetera), and (3) where no class rates are maintained by the carrier for whose account the class or rating, commodity rate or rule is published. Nor does this rule serve to prohibit publications of class rate arbitraries under authority of § 1310.7 (b) of this part. (See §§ 1310.7(h)(3) and 1310.13 for provisions governing the alternation of commodity rates with class rates, and see § 1310.17(c) prohibiting alternation of exceptions with the classification.)

(Sec. 310a, 5 U.S.C. 553, 558; 49 U.S.C. 5, 6, 12, 20, 318, 319, 904, 906, 1003, 1005, 1013; sec. 12, 24 Stat. 383 as amended, secs. 5, 6, 12, 24 Stat. 380 as amended, sec. 20, 24 Stat. 386 as amended; 49 Stat. 561, 563, 52 Stat. 1237 as amended; secs. 304, 306, 54 Stat. 933, 935; secs. 403, 405, 413, 56 Stat. 285, 287, 295; 80 Stat. 378; 49 U.S.C. 10762)

[41 FR 30591, July 26, 1976, as amended at 42 FR 44238, Sept. 2, 1977; 43 FR 8552, Mar. 2, 1978; 45 FR 60439, Sept. 12, 1980]

§ 1310.8 Routing (rule 8).

(See § 1310.22 and 1310.28 (rules 22 and 28) for provisions which may be filed on less than 30 days' notice.)

(a) *Routing to be specified.* (1) Tariffs naming joint rates shall specify routes over which such rates apply or refer to a separate tariff or tariffs (see paragraph (b) of this section) for such provisions, or both. The routes must be stated in such a manner that they may be definitely ascertained. The names or other identifying designations (designations other than the full name must be explained in the tariff in which used) of the carriers and the name of every point of interchange between such carriers must be shown. To the greatest extent practicable, the statement of the route should be complete, identifying each carrier and the point of interchange in proper order from origin to destination of the rate. Highway numbers need not be listed. Identification of the interchange point only as being any common point served by the carriers, or use of other indefinite provisions, is not permitted.

(2) Tariffs must provide that the joint rates therein apply only over the routes specifically shown.

(b) *Routing guide.* (1) A tariff (not a rate tariff) containing routes may be designated as a routing guide. When a tariff refers to a routing guide or guides for all of the routes over which the rates therein are published to apply, it must show the following notation:

> The rates herein apply over the routes of the carriers parties to this tariff specified in [here show ICC designation], supplements (or loose-leaf page amendments) thereto or successive issues thereof.

(2) When a tariff refers to a routing guide or guides for routes in connection with some but not all of the rates in a tariff, or for routes for account of some but not all of the carriers parties to the tariff, an appropriate notation must be shown therein. When a rate tariff provides that certain rates published therein will not apply over all the routes shown in a routing guide to which the tariff is subject, the rate tariff shall show clearly what routes in the routing guide are not applicable, or are the only routes applicable, as the case may be, in connection with such rates. Such exceptions may not be published in the routing guide. Routing guides may not contain exceptions having a narrow application, such as by providing nonapplication or application in connection with certain identified commodity rates or rate items of certain tariffs.

(3) When a tariff which refers to a routing guide also shows routes, it shall show clearly whether the routes named therein are in addition to the routes shown in the routing guide or are the only routes over which the rates making reference to such routes will apply. No one rate may be made subject to more than one routing guide for account of any initial carrier except that interterritorial rates may be subject to one guide for each of such territories in which such a guide is published for that territory alone.

(4) A routing guide must be concurred in by all carriers over whose lines routes are provided therein.

(5) Routing guides shall show on their title pages the following notation:

> The routes provided herein may be used only in connection with rates made subject thereto by specific ICC designation reference to this guide in the tariff containing such rates. Its use in connection with any tariff is restricted to the carriers and to the application provided in such tariff.

(6) A routing guide may be combined with a participating carrier tariff authorized by § 1310.20 and prepared in conformity with the regulations in this part, provided the routing provisions are shown in a separate section and the requirements of this section are otherwise complied with.

(c) *Emergency routing clause.* The following provision may be incorporated into routing guides or under "Routing Instructions" in rate tariffs:

> The rates named in [here rate tariffs shall show "this tariff" and routing guides shall show "tariffs made subject to this tariff"] will apply over the routes and through transfer points authorized herein except that when in the case of pronounced traffic congestion (not an embargo), detours or other similar emergency, or through carriers' error, carriers forward shipments by other transfer points of the same carriers or over the lines of other carriers parties to the tariff, the rate specified in [here rate tariffs shall show "this tariff" and routing guides shall show "tariffs making reference to this tariff"] (but not higher than the rate applicable over the actual route of movement) will be applied.

The words "or over the lines of other carriers parties to the tariff" may be omitted.

(d) *Cancellation of joint routes.* (1) Accompanying the tender to the Commission of any tariff which provides for the cancellation of joint routes (except as provided in (3) below), either by canceling all arrangements in the tariff between certain carriers or by canceling an interchange point there shall be a clear statement of the justification relied upon to warrant the closing of the route.

(2) The statement of justification should be addressed to the Tariff Examining Branch and must affirm that the other carrier in the joint route has been given notice by letter or telegram of the proposed cancellation. This notice shall contain the following information:

(i) The name of the carrier canceling the joint route; (ii) the supplement number of the tariff in which the proposed tariff change is published; (iii) the reasons for the cancellation; and (iv) a provision informing the connecting carrier that it has the right to object to the cancellation by filing a written petition (or by telegram if time does not permit a written response) at least 12 days prior to the effective date of the proposal with the Interstate Commerce Commission, Washington, D.C. 20423, seeking suspension of the proposal and stating the reasons supporting suspension, as provided in the Commission's Rules of Practice (49 CFR 1100.40).

(3) If the proposed joint route cancellation is to apply only to commodity rates (other than column commodity rates), and the joint route is to be kept open for the application of column commodity rates and/or class rates based on classes or ratings in the governing classification or exceptions, then the letter of transmittal accompanying the publication shall contain a statement to that effect. In this case, neither the justification statement nor the affirmance of notification to the other carrier participating in the route is required.

(4) Any tariff subject to this rule which does not meet the specified requirements is subject to rejection.

(Sec. 310a, 5 U.S.C. 553, 558; 49 U.S.C. 5, 6, 12, 20, 318, 319, 904, 906, 1003, 1005, 1013; sec. 12, 24 Stat. 383 as amended, secs. 5, 6, 12, 24 Stat. 380 as amended, sec. 20, 24 Stat. 386 as amended; 49 Stat. 561, 563, 52 Stat. 1237 as amended; secs. 304, 306, 54 Stat. 933, 935; secs. 403, 405, 413, 56 Stat. 285, 287, 295; 80 Stat. 378)

[41 FR 30591, July 26, 1976, as amended at 43 FR 8552, Mar. 2, 1978; 43 FR 30566, July 17, 1978]

§ 1310.9 Supplements (rule 9).

(See §§ 1310.14, 1310.22, 1310.24, 1310.25, 1310.27, and 1310.28 (rules 14, 22, 24, 25, 27, and 28) for provisions which may be filed on less than 30 days' notice.)

(a) *Amendment by supplement.* (See paragraph (g) of this section—blanket supplements.)

(1) Apart from reissuing the tariff itself, the supplement is the vehicle for adding to, deleting, or changing provisions of a bound tariff. Paragraph (d) of this section provides the restrictions on the use of this means. (See § 1310.10 (rule 10) as to loose-leaf tariffs and § 1310.11 (rule 11) as to complete and partial cancellation of a tariff.)

(2) The first supplement to a tariff shall be designated as Supplement 1 either in the upper right-hand corner of the title page thus:

Supplement 1
to
[here show ICC designation]

or in the center of the uppermost portion in connection with the carrier's or agent's own tariff number (this number may not be different from the number in the standard ICC designation). In the latter case, the ICC designation must nevertheless be shown in the upper right-hand corner. Subsequent supplements shall be numbered consecutively in like manner. Whatever location is used for the first supplement must be also used for all subsequent supplements to the same tariff. The supplement number assigned to a supplement which has been rejected may not again be used. The rejected supplement may not be referred to in any subsequent supplement as having been canceled, amended, or withdrawn, but the supplement which is published in its stead must bear the following notation:

Issued in lieu of [here identify the rejected supplement], rejected by the Commission.

(3) Each supplement shall specify on its title page, immediately under the supplement and ICC designation number (if the supplement designation is to appear in the upper right-hand corner) or immediately under the supplement and carrier's or agent's tariff number (if the supplement designation is to appear in the upper center portion) the publications which the supplement cancels. Cancellations must be specific. A statement that the supplement cancels conflicting portions of the tariff or prior supplements, or all provisions of a certain kind or application, may not be used.

(4) The numbers of the supplements in effect on the effective date of the supplement must be shown in the upper portion of the title page. Effective supplements of a special nature (suspension, postponement, adoption, general increases, etc.) should be indicated in the list as to their special nature and may be grouped separately.

(5) A supplement containing matter effective upon a date other than the general effective date of the supplement must show one of the following notations in direct connection with the general effective date. Included in this category is matter reissued without change from a prior tariff publication effective later than the general effective date of the supplement, and therefore constituting an exception thereto. The notations are:

(Except as otherwise provided herein.)

(Except as otherwise provided herein. See * * *.)

If the latter notation is shown, the number of the item (if the excepted provisions are in a numbered item) or page (if the excepted provisions are not in a numbered item) containing the excepted provisions shall be shown either on the title page or shown on page 1 and reference to page 1 shown on the title page.

(6) The matter contained in each supplement shall be arranged in the same general manner and order as the tariff which it amends. (See § 1310.25 (rule 25) for additional regulations governing adoption supplements.) When points in a tariff are given index numbers, the same index number must be assigned to the same point in all supplements to the tariff.

(7) Where a reference mark or note intended for the same general and continued use in the tariff is used in a supplement, the page on which it is used shall refer to the number of the item providing the explanation. Where other than a general reference mark or note is used in a supplement and is not explained in the item or unit or on the page where used, it must be explained at the end of that supplement, but not as part of the item confined to general reference marks and notes, in which case the item, unit or page must refer to that location for explanation.

(8) The title page shall be counted for purposes of determining the total number of pages in a supplement.

(b) *Updated lists of items and units in effective supplements.* (1) Every supplement of ten or more pages issued to a bound tariff, except blanket supplements and general increase or reduction conversion table supplements, shall provide near the front of the supplement a cumulative list of all items and numbered units that have been added, canceled, or changed by supplement together with reference to the number of the supplement where each is last shown.

(2) A regular supplement need not include the list if it would be the only regular supplement in effect. For purposes of this paragraph, "regular supplement" does not mean any supplement issued for a specific single purpose for which the regulations in this part authorize issuance of such a special supplement; such as suspension, postponement, vacating, adoption, and conversion-table supplements. Also, supplements containing only suspended matter and/or matter under postponement following suspension shall not be considered as effective supplements.

(c) *Index and table of contents.* A supplement of 5 or more pages must be properly indexed, and a supplement of 15 or more pages must also contain a table of contents. If the table of contents is published in a numbered item, see § 1310.10 (rule 10)—Amendments. The table of contents or any index may be omitted if § 1310.6(c) or § 1310.6(f) (rule 6) does not require the tariff to contain a table of contents or such an index. Blanket supplements need not contain an index or a table of contents.

(d) *Number of supplements and pages permitted.* (1) A tariff is published to be used, and no tariff should be permitted to reach the maximum supplemental limits prescribed without a reissue already prepared to file with the Commission and distribute to users. Nor should a tariff be permitted to become so old or so much supplemented that little of the matter in the original tariff has application any longer, and copies are no longer obtainable. Except as otherwise authorized in the next following sentence, no tariff may be further supplemented that has been in effect for ten years. A supplement (other than a conversion or regular supplement issued to provide a general rate adjustment or a supplement issued only to change or cancel an expiration date in connection with a temporary authority) may be filed to such a tariff if, under the regulations in this part, the supplement is exempt as to the number of supplements or volume of supplemental matter from the provisions of paragraph (d)(2) of this section limiting the number and volume of supplements, or if the supplement cancels the tariff.

(2) Except as otherwise authorized, the following is the maximum number of supplements to a tariff that may be in effect at any time and the maximum number of pages they may contain.

Number of pages in original tariff, including title page, inclusive	Number of effective supplements permitted	Maximum number of pages effective supplements may contain
1 to 2	None	None.
3 to 4	1 [1]	2. [1]
5 to 8	1	4.
9 to 16	2	8.
17 to 80	2, plus 2 additional supplements of not to exceed 4 pages each.	
81 to 200	3, plus 2 additional supplements of not to exceed 4 pages each.	
201 to 500	4, plus 2 additional supplements of not to exceed 4 pages each.	Not to exceed 50 percent of the number of pages in the original tariff.
501 to 800	5, plus 1 additional supplement of not to exceed 4 pages.	
801 or more	6, plus 1 additional supplement of not to exceed 4 pages.	

[1] The tariff of 3 or 4 pages, if supplemented hereunder, must be canceled within 180 days of the effective date of such supplement.

(3) A tariff may provide that it will be reissued periodically, but not less frequently than once a year. Such tariff must carry on its title page the notation:

> A reissue of this tariff will become effective not later than [here name date].

This notation may not be changed or eliminated by amendment. Supplements may be issued to such a tariff without limit as to the number of pages in effective supplements, but the regulations pertaining to the number of supplements in effect at any time must be complied with.

(e) *Additional supplement to comply with order of Commission.* When the Commission, in a formal case, orders the cancellation of tariff matter or the establishment of tariff matter, the supplemental limits may be exceeded to the extent necessary to initially comply therewith (but not continuing compliance as to a continuing order), but if exceeded the next regular supplement issued to the tariff must republish or otherwise dispose of the initial publication, observing the prescribed supplemental limits. If the initial publication would result in exceeding the supplemental limits, the supplement may not contain any other matter and the title page must refer to this section for authority to exceed such limits.

(f) *Bridge supplements.* When a bound tariff is issued and filed canceling a prior issue, it is sometimes found necessary to establish, cancel, or change matter in the prior issue effective before the new issue becomes effective replacing it. If the action is intended to affect only the matter in the prior issue, the supplement, which must be on lawful notice, is to be issued only to the prior issue. If it is to affect matter in both tariffs, a separate supplement may be issued to each, or a bridge supplement may be issued which is a supplement to both. To do so by one publication requires a clear separation to be made therein as to the separate actions. A separate and appropriate supplement number must be shown as to each ICC designation. A separate effective date must be established as to each, which in the case of the new issue must be the same as the general effective date of the tariff. The contents must be separated as to each tariff and clearly identified as to the tariff it amends, and the item or other unit as to each tariff that is being added, canceled, or changed. If a bridge supplement is issued, the supplement to the old tariff need not be within the requirements of paragraph (d) of this section. Only one bridge supplement may be in effect at any time.

(g) *Blanket supplements.* (1) Ordinarily, amendment of a tariff should be effected by issuance of a supplement to that tariff alone. However, it sometimes happens that the same or similar addition, deletion, or change of provision is to be made simultaneously in a substantial number of different tariffs. If the matter is susceptible to handling in this fashion, a blanket supplement (a common supplement issued jointly to several tariffs of the same agent or carrier) may be issued and filed, subject to the provisions and regulations of this paragraph.

(2) A blanket supplement may not be issued to less than five tariffs.

(3) Such supplements shall show on their title page, in lieu of printed supplement and ICC designations, in the upper right-hand corner the following wording and spaces for later insertion of numbers:

Supplement —— to ——

Before filing with this Commission, each copy shall have inserted in ink or by other permanent means the appropriate supplement number and the ICC designation of the tariff it supplements. The number of copies ordinarily required for each tariff supplemented shall be filed.

(4) The listing of the effective supplements as to each tariff may be omitted.

(5) On page 1 or a subsequent page, the number of each supplement and the ICC designation of each tariff supplemented, as a minimum, shall be shown in columnar form, under a caption reading "List of Tariffs Supplemented Hereby." Any additional provisions (such as cancellation notices, items containing matter held in effect, etc.) must be similarly shown.

(6) Supplements may not be filed in blanket form to loose-leaf tariffs except for the same purposes for which the filing of individual supplements to such tariffs are authorized. (See § 1310.10(d) (rule 10)—amendments to loose-leaf tariffs.)

(7) Supplements published in blanket form need not comply with the indexing requirements of paragraphs (b) and (c) of this section.

(Sec. 310a, 5 U.S.C. 553, 558; 49 U.S.C. 5, 6, 12, 20, 318, 319, 904, 906, 1003, 1005, 1013; sec. 12, 24 Stat. 383 as amended, secs. 5, 6, 12, 24 Stat. 380 as amended, sec. 20, 24 Stat. 386 as amended; 49 Stat. 561, 563; 52 Stat. 1237 as amended; secs. 304, 306, 54 Stat. 933, 935; secs. 403, 405, 413, 56 Stat. 285, 287, 295; 80 Stat. 378)

[41 FR 30591, July 26, 1976; 41 FR 55716, Dec. 22, 1976, as amended at 42 FR 44239, Sept. 2, 1977; 43 FR 8552, Mar. 2, 1978]

§ 1310.10 Amendments (rule 10).

(See §§ 1310.14, 1310.22, 1310.24, 1310.25, 1310.27, and 1310.28 (rules 14, 22, 24, 25, 27, and 28) for provisions which may be filed on less than 30 days' notice.)

(a) *How made.* Any change in, addition to, or cancellation from a tariff shall be known as an amendment. Amendment of a bound tariff shall be made by reissue of the tariff or by issue of a supplement as provided in § 1310.9 (rule 9). Amendment of a loose-leaf tariff shall be made by reissue of the tariff or by issue or reissue of a page or pages as provided in paragraph (d) of this section. A loose-leaf tariff may also be amended by issue of a supplement (prepared as specified in § 1310.9 (rule 9)), but only for the purposes referred to in paragraph (d)(18) of this section.

(b) *Participating carriers—how shown.* (1) Paragraphs (b)(2), (b)(3), and (b)(4) of this section will not apply to participating-carrier tariffs. For regulations governing participating carrier tariffs, see § 1310.20 (rule 20).

(2) If an original bound tariff specifically names participating carriers, each supplement thereto must contain either a complete list of the carriers participating in the tariff, as amended, and show that it cancels the prior list, or shall state that the list of participating carriers is "as shown in the tariff" to which may be added "except [here show cumulative list of corrections in, additions to, or cancellations from the list in the original tariff]." Only one such cumulative list may be in effect at any one time. The participating carrier list may be published in numbered item form, in which case paragraph (c) of this section governs. The names of the carriers shall be listed alphabetically as provided in § 1310.6(e) (rule 6). When the participation of a carrier is canceled, the carrier's complete name shall be shown, together with the word "Cancel" or other suitable provision, but without reference to the power of attorney or concurrence. Each addition and cancellation of a carrier must be carried forward as reissued matter and not dropped even if the item form is used.

(3) The list of participating carriers published in a loose-leaf tariff may be amended only by republication of the page upon which it appears. Additions, cancellations, and changes shall be indicated as such.The names of canceled carriers shall be republished on a separate page or on pages at the end of the participating carrier list, indicating when the cancellation was first effective, until all provisions in the tariff referring specifically to the canceled carrier have been removed from the effective pages, after which the cancellation listing of the carrier may be omitted. Reference shall be made on the page or pages containing the participating carrier list to the page or pages containing the list of canceled carriers.

(4) When the participation of a carrier is canceled, the supplement (when a bound tariff) or the page or pages (when a loose-leaf tariff) must also provide for the cancellation of rates and other provisions for the account of such carrier unless the cancellation of the carrier is in connection with the publication of a complete adoption of the rates of such carrier by another. (See § 1310.25 (rule 25)—Transfer of Operations; Change in Name and Control.) The cancellation of rates and other provisions must be accomplished by either amending the individual pages (when a loose-leaf tariff) or items or other provisions affected or by the publication of a blanket cancellation notice specifically indicating that all rates and other provisions in the tariff applying for the account of the carrier are canceled. Such blanket cancellation must be shown in direct connection with the list of participating carriers and be referred to in the cancellation of the carrier's name from the list. As to a bound tariff, the blanket cancellation must be carried forward as reissued matter in the usual manner when the supplement is reissued. As to a loose-leaf tariff, it must be carried forward on successive reissues of the page (with a statement as to when the cancellation first became effective) until all provisions referring to the carrier have been eliminated by reissue. If the blanket cancellation notice alternative is used, the items and other provisions affected must be promptly amended to remove the canceled application. If the cancellation of provisions (whether specifically canceled or canceled by notice) becomes effective, any subsequent restoration of the canceled provisions, for any reason, must be by republication of such provisions.

(c) *Amendments to bound tariffs.* (1) Except as otherwise specifically authorized, an item or any other unit, numbered or unnumbered, amended by a supplement must be published in that supplement in its entirety as amended.

(2) When any part of an item (see definition of "item" in § 1310.0(f)) is amended, except as otherwise specifically authorized the new item shall be given the same number with a letter suffix and shall specifically cancel all uncanceled correspondingly numbered items in the same numbered series. The first revision shall use suffix A, the next B, and so on through Z, then starting over with AA, BB, and so on. For example: item 40-A cancels item 40; item 40-B cancels item 40-A and item 40 (if item 40 has not been previously canceled); and so on.

(3) Specific cancellation of items may be omitted if the original tariff contains the following rule:

> As this tariff is supplemented, numbered items with letter suffixes cancel, except as otherwise specifically indicated, correspondingly numbered items in the original tariff or in a prior supplement. Letter suffixes will be used in alphabetical sequence starting with A. Example:
>
> Item 445-A cancels item 445, and item 365-B cancels item 365-A in a prior supplement, which in turn canceled item 365 (if item 365 had not been canceled for some reason, item 365-B would cancel it as well). If the new item provides a specific cancellation of a prior issue or issues, this rule is not applicable.

If this method of cancellation is used, it may not be discontinued during the life of the tariff. The item which, in whole or in part, was the subject of an order of suspension, and also the prior issue of that item containing matter held in force by reason of that suspension, are required to be canceled specifically if it is intended to cancel them (this requirement does not apply to subsequent issues of such items in which suspended matter and matter held in force have been brought forward in an authorized manner—see § 1310.14 (rule 14)).

(4) When any part of a numbered unit (not an item—see definition of "unit" in § 1310.0(f)) is amended, except as otherwise specifically authorized the new unit shall be given the same number and shall specifically cancel all prior uncanceled units bearing that number. Cancellation shall be made by referring to the number of the unit and to the number of the page in the original tariff or in the supplement on which the unit to be canceled is shown. If in a supplement, the number of the supplement must also be referred to. When it is necessary to effect cancellation in more than one supplement, or in the original tariff and one or more supplements, appropriate references must be made to all. Numbered units may not be given suffix letters when amended.

(5) Tariffs should not publish unnumbered units unless necessary or desirable because of the character of the particular matter. Use of a number clearly indicates to the tariff user what matter in the original tariff or an uncanceled prior supplement has been superseded, no matter how the character and content may have been changed. Therefore, an unnumbered amended provision must, in addition to directing the cancellation of the prior issue of the provision (clearly indicating the matter to be canceled), also make specific reference to the page or pages of the original tariff or the prior uncanceled supplement on which the provision first appeared in the tariff. The complete cancellation from the tariff of an unnumbered provision (no part of it, whether or not amended, being retained) shall be shown in the same manner. Except where partial amendments of units are authorized, an unnumbered unit, when amended, shall be republished in its entirety as amended.

(6) Indexes of commodities, origins, and destinations; and items containing only:

> Lists of participating carriers, table of contents, lists of commodities, lists of points, statements of carriers' operating authorities, explanation of abbreviations, explanation of reference marks, package descriptions, explanations of notes,

may, subject to the following conditions, be amended in part without bringing forward the index, item, or other unit in its entirety as amended. Only one partial amendment may be in effect at one time as to any index, item, or other unit. Unless otherwise specifically authorized, each successive partial amendment must accumulate all changes as to a particular index, item, or other unit and must cancel any prior partial amendment thereto. The purpose of a table of contents in a supplement is to list the contents of the same supplement, and location. Therefore, if the table of contents is published in item form, the number of partial amendments permitted is not limited. A unit may not be amended in part if it contains provisions required by a released-rate order. If an index of origins or destinations is amended in part and if index numbers are assigned to origins or destinations in the tariff, the following notation must be shown at the beginning of such indexes:

> The index numbers of points in this supplement correspond with the index numbers of the same points shown on pages —— to ——, inclusive, of the tariff, with the following additions and exceptions.

Partial amendments shall be published in such a manner that it is clear what matter is being changed or canceled. For canceling or amending expiration dates in connection with publications covering temporary authorities, see § 1310.28(g) (rule 28).

(7) A table of rates, rate base numbers, or other figures comprising not more than two pages must be republished in its entirety if amended. Otherwise, the table may be amended in part, subject to the following. When amending a figure at the intersection of a headline point or other caption and a sideline point or other designation, either the entire vertical column of figures in which the change appears shall be reproduced, or the entire horizontal line of figures in which the change appears. Only one partial amendment of any table may be in effect at any time, and each amendment shall republish the prior changes, directing the cancellation of the prior showing.

(8) When any rate or other provision expires or is canceled, in part or in its entirety, the expired or canceled matter should not be reproduced in the new item or unit effecting the cancellation except to the extent necessary to identify the subject matter. No rate or other figure that is no longer effective shall be reproduced. (See paragraph (b)(2) of this section for participating carrier list items.)

(9) If an item or unit expires or is canceled, leaving no rates or provisions in effect in that item or unit, the statement of the expiration or cancellation shall be treated as any other reissued matter is subsequent supplements.

(10) If all or any part of the matter in an item or unit is transferred to another tariff or to a different location in the same tariff, whether in the same or in a modified form, that item or unit shall be revised in the regular manner authorized in this paragraph to show the revised provision, or when no effective matter is continued therein, to indicate cancellation of such item or unit. In all cases, the item or unit must show where the transferred rates or provisions will thereafter be found. For example: "Item 10-A cancels item 10; rates formerly appearing in item 10, but not shown herein will be found in item —— (or in tariff ICC ——)."

(d) *Amendments to loose-leaf tariffs.* (1) When any part of a page is amended, except as otherwise specifically authorized, that page shall be reprinted, given the same number, designated as a revised page, and given a revision number. Revised page designations shall be shown in the same corner in which original page designations are required to be shown (see § 1310.4(f)(4) (rule 4)). Except as otherwise specifically authorized, the new page shall specifically cancel all uncanceled pages bearing that number. The first revision shall be numbered 1, the next 2, and so on in consecutive numerical sequence. For example: "1st Revised Title Page cancels Original Title Page"; "3rd Revised Page 4 cancels 2nd Revised Page 4 and 1st Revised Page 4" (if 1st Revised Page 4 has not been previously canceled); and so on. (See paragraph (d)(6) of this section when both sides of a sheet are used.) Items and numbered units must not be given suffix numbers. When a loose-leaf page is rejected, the designation used for the particular page series (i.e. "original", "1st revised", etc.) may not be used on the next issue of that page series. Instead the next revision number shall be used. The rejected page may not be referred to on any subsequent page as having been canceled, amended, or withdrawn, but the page which is published in its stead must bear the following notation:

Issued in lieu of [here identify the rejected page], rejected by the Commission.

(2) Specific cancellations of pages, except the title page, may be omitted if the original tariff contains the following rule:

METHOD OF CANCELING ORIGINAL AND REVISED PAGES, EXCEPT THE TITLE PAGE

When this tariff is amended by revised pages, the cancellation of prior pages, except the title page, will be effected by means of this rule. A revised page will not show a cancellation notice except when a cancellation notice is necessary because of suspension, rejection, or other reason. Revisions of each page will be published and filed in numerical sequence.

Except where a specific cancellation is shown on a new revised page, a revised page cancels any and all uncanceled revised or original pages, or uncanceled portions thereof, which bear the same page number. SEE EXCEPTION. For example, 1st Revised Page 10 will have the effect of canceling Original Page 10; 45th Revised Page 12 will have the effect of canceling 44th Revised Page 12; 13th Revised Page 4-A will have the effect of canceling 12th Revised Page 4-A and also 11th Revised Page 4-A if the cancellation of 12th takes place on or before its effective date.

EXCEPTION: When a specific cancellation on a prior revised page excepts a previously filed page wholly or in part, this rule does not have the effect of cancelling such excepted previously filed page or portion thereof.

If this method of cancellation is used, it may not be discontinued during the life of the tariff. The page which, in whole or in part, was the original subject of an order of suspension, and also the prior issue of that page containing matter held in force by reason of that suspension, are required to be canceled specifically if it is intended to cancel them (this requirement does not apply to subsequent issues of such pages on which suspended matter and matter held in force have been brought forward in an authorized manner—see § 1310.14 (rule 14)).

(3) Revised title pages shall be printed on one side of the sheet only, show the number of the revision in the upper left-hand corner, and show immediately under the effective date the following notation:

Original tariff effective [here show effective date of original tariff]

(4) When the tariff is one of the pages of which are printed on both sides of the sheets and it is desired to amend only one page, the page published on the reverse side must also be reprinted, assigned the next consecutive revision number, and filed on lawful notice. (See paragraph (d)(6) of this section.) In direct connection with the revision number on the unchanged page shall appear the following statement, or a reference mark explained as follows:

Change in revision number only, without change in matter on body of the page.

This reference mark must be used for this purpose, and no other, for the life of the tariff.

(5) When a sheet containing an original page printed on one side with no tariff provisions printed on the reverse side is added to a tariff containing sheets printed on both sides, the blank page must show the notation "Intentionally left blank" or a notation reading as follows shown at the bottom of the printed page:

The reverse side of this sheet is intentionally left blank.

One or the other notations must be carried forward on future reissues of the sheet.

(6) (i) If tariff material is printed on both sides of a sheet and it is desired to withdraw all material from only one side and leave that side blank without being required to reprint that side each time the reverse side is amended, publication may be made as set forth in paragraphs (d)(6) (ii) through (iv) of this section, provided a rule is published in the tariff clearly setting forth the method to be used, with an example.

(ii) At the time the matter on the page is withdrawn, both sides of the sheet shall be reissued in the normal manner and assigned the next consecutive revised-page numbers. Prior revisions of those pages shall be properly canceled. In the center portion of the page from which the matter is being withdrawn shall be shown the following notation:

Tariff provisions canceled. This page series discontinued.

(iii) The next reissue of the page containing effective tariff provisions shall then dispose of the revised-page designation by including a statement at the bottom reading:

The reverse side of this sheet is intentionally left blank. The [here show revised page number of the page from which the material was withdrawn as it was last designated] is hereby canceled and page series discontinued until further notice.

Each subsequent reissue shall include a statement reading.

The reverse side of this sheet is intentionally left blank.

If, in accordance with this procedure, the contents of a page have been canceled and the page series discontinued, and the subsequent reissue of the page on the reverse side has effectively canceled the page designation, and it is desired to reactivate the page series the following shall govern: The revision number shown in connection with the page number shall be the same as the revision number of the page on the reverse side. It shall not cancel any previous page, but shall publish a notation specifying that the unused intervening revision numbers of the page have not been used and will not be used, identifying what revision numbers these are.

(iv) If it is desired to use the page after the tariff provisions have been withdrawn as set forth in paragraph (d)(6)(ii) of this section, but before the page series has been specifically canceled as set forth in paragraph (d)(6)(iii) of this section, and that side of the sheet left blank, amendment shall be accomplished in the normal manner (designating the page with the next consecutive revision number of that page series and making the proper cancellation).

(7) If it becomes necessary to add an additional page, such page (except when it follows the final page) shall be designated with the same number as an existing page together with a single letter suffix—for example, Original Page 4-A, Original Page 4-B, etc. If it is necessary, for example, to change matter on Original Page 4-A, the page shall be reprinted and such changed page shall be designated as 1st Revised Page 4-A, and unless the tariff contains the automatic cancellation rule provided in paragraph (d)(2) of this section, shall show that it cancels Original Page 4-A. Only single letter suffixes are permitted for this purpose, and no other system or variation, such as use of multiple letter suffixes, decimal or fractional numbers, etc., is permitted. As to any page number designation, suffix letters (if used) shall start with A and proceed alphabetically as needed through Z. When a sheet is printed on both sides, only the number of the higher numbered of the pages printed thereon may be used for expansion by adding a letter suffix. For example, if the page on one side of the sheet is numbered 5 (regardless of whether an original or revised page) and the page on the reverse side is numbered 6, an added page may be designated as "Original Page 6-A," but may not be designated as "Original Page 5-A."

(8) If, after a loose-leaf tariff has been filed with the Commission, it is desired to file additional pages at the end of the tariff, the pages shall be numbered consecutively with the last page of the tariff, and shall be designated as original pages, without letter suffixes.

(9) The number of sheets containing thereon pages (including check sheets) canceled from the tariff may not exceed six times the number of sheets containing effective tariff matter (including check sheets). Sheets containing only pages on which no tariff matter is printed except for notations such as "Intentionally left blank", "Tariff provisions canceled. This page series discontinued," or "Rates canceled," or except for provisions necessary to accommodate the format of the tariff such as the page designation, the ICC designation, the name of the carrier or agent, the name of the issuing party, and the address of the carrier or agent, are not included in the count of sheets containing effective matter within the meaning of this rule. The tariff must be canceled by

the time this maximum ratio is reached.

(10) When the Commission, in a formal case, orders the cancellation of or the establishment of tariff matter, the page limit provided in paragraph (d)(9) of this section may be exceeded to the extent necessary to initially comply therewith (but not continuing compliance as to a continuing order).

(11) When a revised page is issued which omits rates, rules or other provisions previously published on the page which it cancels, the disposition of the omitted provisions must be indicated clearly. If the omitted provisions are published on a different page, the revised page shall make specific reference to the page on which they will be found. The page to which reference is so made shall contain the following notation in connection with such rates, rules, or other provisions:

> For [here insert rates, rules, provisions, etc. as appropriate] in effect prior to the effective date hereof, see page (or pages) [here identify page or pages from which transferred, whether changed or unchanged].

If canceled or expired and not transferred to another page unchanged or in changed form, the page shall so indicate that fact, identifying the provision canceled or expired only to the extent necessary to show what is affected. No rate or other figure that is no longer effective shall be reproduced.

(12) If five or more pages of a tariff, the pages of which are printed on one side of the sheet only, are reissued at one time with the same effective date to cancel all provisions thereon or to transfer all provisions to other pages, the reissue and cancellation may be accomplished by means of a single printing, but showing the individual cancellations. In one column shall be listed the designation of each page (for example, "2nd Revised Page 16") under a column headed "Page." In a second column, headed "Cancels," and opposite each listing in turn shall be shown the designation of the page the new page cancels—for example, "1st Revised Page 16." In the upper left-hand or upper right-hand corner, where the page designation for that tariff would otherwise appear, the following wording and spaces for later insertion of words and numbers shall be shown:

— Revised Page —
cancels
— Page —

Before filing with this Commission, each copy (two copies for each different page) shall have inserted in ink or other permanent means the designation of the new page and the designation of the page which the new page cancels. The automatic cancellation provisions of paragraph (d)(2) of this section may not be used with this procedure. Each cancellation must be specific. Such pages may be filed only when all provisions on each page are canceled or transferred, and no other or new provisions are substituted thereon. Any such page, however, may be subsequently reissued individually in the regular manner to establish provisions thereon. The same method is permissible as to tariffs which have pages printed on both sides of the individual sheets provided that both pages on any particular sheet are being canceled or transferred.

(13) Each time a page is revised or a new page or supplement is added, the page (check sheet) showing the updated listing of pages and supplements comprising the tariff shall be correspondingly revised by reissuance to show in numerical sequence by page numbers (including whether an original page or a revised page, and if revised what number of revision). The basis for listing may be either the issued date or the effective date, but in any event the check sheet must be in such form and content as to enable the tariff user to determine if all pages filed with the Commission are on hand. The check sheet shall indicate by reference mark or other means which original or revised pages shown thereon are different or are in addition to those shown on the check sheet it cancels. Effective and to be effective supplements shall also be listed thereon. Pages or supplements which contain only matter under suspension or subsequent postponement and pages or supplements which contain matter held in effect by reason by suspension or subsequent postponement

shall be included and an appropriate explanation made in each case. Cancellation of supplements when they have served their purpose (except supplements announcing an adoption of the tariff, which should not be canceled, and except supplements canceled by other supplements of like or similar character or content) shall be effected by reissuance of the check sheet and a notation to that effect made thereon. No other matter may be shown on either side of the sheet containing this updated list. In addition to the reissuance of the check sheet each time a loose-leaf page amendment is filed, the tariff may also employ the "correction number, check off" type of check sheet. If such a sheet is employed, all loose-leaf page amendments issued and filed at the same time shall show in the lower left-hand corner the same correction number. The pages comprising the first amendment to the tariff shall bear correction No. 1, the pages comprising the second amendment shall bear correction No. 2, etc., in consecutive order. This will permit the checking off as the pages are filed of correction numbers on the check sheet listing such numbers so that a permanent record may be maintained by number of all corrections received.

(14) The indexes of the tariff must be amended concurrently with changes in the contents of the tariff to show additions, cancellations, and changes as to points and commodities.

(15) Changes (increases, reductions, etc.) shall be indicated as required by paragraph (f) of this section. See § 1310.10(b)(3) for requirement that cancellation of a participating carrier shall be carried forward as reissued matter until certain conditions are met. In § 1310.10(g) provision is made for bringing forward matter in bound tariffs as reissued, allowing use of the reference mark consisting of a square and the supplement number within the square. The same system may be used for reissuing the cancellation of a participating carrier, adapting the explanation of the reference mark in an appropriate fashion to cover the reissue number of a given page instead of the number of a supplement. Other than participating carrier provisions, the reference mark and explanation need not be employed against a reissued provision, but if used it may be used only once, then dropped from subsequent reissues.

(16) If an item or unit expires or is withdrawn in its entirety and canceled, the statement of the expiration or cancellation shall be shown one time and then omitted from subsequent reissues of the page. The same item or unit may be used again for other provisions or for reinstatement of the same provisions.

(17) When a protective cover not a part of the official filing of the tariff is used, only such information should appear thereon as will remain constant and in use during the life of the tariff.

(18) Supplements shall not be issued to loose-leaf tariffs, except for the purposes authorized by the following:

(i) Section 1310.10(j). Conversion supplements to provide general rate changes (rule 10).

(ii) Section 1310.11. Transfer or cancellation of provisions (rule 11).

(iii) Section 1310.14. Suspended matter (rule 14).

(iv) Section 1310.22. Seasonal motor-water rates (rule 22).

(v) Section 1310.25. Transfer of operations—change in name and control (rule 25).

(vi) Section 1310.27(l). Take-over publications (transfer of agent) (rule 27).

(vii) Section 1310.28(g). Change or cancel expiration dates in connection with temporary authorities (rule 28).

(viii) Section 1310.28(h). Postponement of tariffs or tariff matter (rule 28).

(e) *Reinstatement of canceled or expired provisions must be by republication.* If provisions have been eliminated by cancellation or expiration, they may not be reinstated except by republication with a new effective date providing lawful notice. If in a supplement and if republication is made in an item bearing the same number as the old item, the next unused letter suffix in that numbered series must be assigned thereto.

(f) *Changes indicated.* (1) Tariff publications shall indicate changes made in existing rates, charges, classifications, rules, or other provisions by use of the following uniform reference marks in connection with each such change:

- ● or (R) to denote reductions
- ♦ or (A) to denote increases
- ▲ or (C) to denote changes which result in neither increases nor reductions in charges

(2) Explanations of such reference marks shall be provided in the item "Explanation of Reference Marks for Standard Use Throughout the Tariff, as Amended" (see § 1310.6(n) (rule 6)), and these marks shall not be used for any other purpose. The form of the reference marks and their explanations must be shown exactly as prescribed in this paragraph. The reference mark must be positioned in direct connection with the changed rate or other provision. The use of more than one reference mark in connection with the same provision to indicate more than one type of change is not permitted unless the character of the amendment is such that the provision cannot be treated to show the appropriate single reference mark in connection with each part proposing a certain kind of change.

(3) When a change of the same character is made in all or in substantially all rates in a tariff or supplement, or on a page thereof, that fact and the nature of such change may be indicated in distinctive type at the top of the title page of such issue, or at the top of each page, as the case may be, in the following manner: "All rates in this issue are increases"; or "All rates on this page are reductions"; or there may be added, when appropriate, "except as otherwise provided in connection with particular rates." When a tariff publication indicates a change, with exceptions, in the manner provided in this paragraph, a bold-faced dot "•" shall be used to indicate a rate or other provision in which no change has been made, and the appropriate reference mark shall be used to indicate any other change not indicated by the general statement on the publication. A bold-faced dot may not be used to indicate "no change" under any other circumstances.

(4) When tariff matter, in connection with which a reference mark or wording required by this paragraph has been used, is reissued without change, the mark or wording shall be omitted.

(5) Changes resulting in increases which are not identified by proper symbols shall be considered unlawfully published and filed and therefore invalid and not collectable. In such cases, the lawful provisions will be those which were purportedly superseded. Invalid provisions shall be canceled by publications which shall bring forward, or properly amend, provisions which have remained in effect by reason of invalid publication.

(g) *Reissued matter.* (1) Matter brought forward without change from one supplement into another within the same tariff must be designated as "Reissued" and must show the original effective date and the number of the original supplement from which it is reissued; or it must conform to the requirements provided in paragraph (g)(2) of this section.

(2) The reissued matter shall be uniformly designated by a number within a square (or an authorized substitute—see § 1310.6(n)(7) (rule 6)), the number corresponding to the number of the supplement from which the matter is reissued, and the explanation thereof must appear in the supplement in which the reference mark is used. The explanation must identify the matter as reissued and either (i) specify the date upon which the supplement became effective (for example, " Reissued from Supplement No. 1, effective [here show effective date of supplement]" or (ii) be published in substantially the following manner:

> □ (with number enclosed) Reissued from supplement bearing the number enclosed within the square. See item [here insert number of item referred to, explaining the method of denoting reissued matter in supplements].

If the latter method is used, the rules section of the tariff shall contain an item (the number of which will be inserted in the explanation of the reference mark denoting matter reissued from a prior supplement) reading substantially as follows:

METHOD OF DENOTING REISSUED MATTER IN SUPPLEMENTS

Matter brought forward without change from a supplement being canceled into another supplement will either be designated as reissued (i) by a complete statement to that effect in direct connection with the reissued matter, indicating the number of the supplement in which the reissued matter first appeared in its currently effective form, or (ii) by a reference mark [here show □, /II/ or ( ), whichever single type is adopted in the tariff] enclosing a number, the number being that of the supplement in which the reissued matter first appeared in its currently effective form. To determine its original effective date, consult the supplement in which the reissued matter first became effective.

(3) When the matter brought forward was first published in its currently effective form in one supplement and its effective date was modified by another supplement, the matter shall be indicated as "Reissued" together with a notation that refers to the number of the supplement in which the matter was first published, the final effective date of the matter, and the number of the supplement which established such final effective date—for example, "Reissued from Supplement 4, effective January 1, 19--, per Supplement 5." When such a notation is referred to by use of a reference mark, the reference mark must be one other than that prescribed in this paragraph for ordinary reissuances, and shall be explained on the same page as that on which the reissued matter appears.

(4) Republication of matter as "reissued" matter serves to establish a new effective date for the provisions, which shall be the general effective date of the supplement into which it is brought forward. The reference to a prior supplement serves to direct the tariff user to where the provision first appeared in its present form. Therefore, if the effective date shown for a provision in the prior supplement being canceled is a date later than the general effective date of the new supplement into which the provision is being reissued, the number-in-a-square reference mark may not be used, but instead the reference to the prior supplement and the later effective date shall be stated in full in direct connection with the reissued provision.

(h) *Change in the explanation of reference marks and notes.* A change in the explanation of a general reference mark or general note (a reference mark or note adopted for general and continued use in the tariff—see § 1310.6(n)(2) (rule 6)) governing tariff provisions published elsewhere in the tariff or prior supplement should not require the tariff user to conduct a search for its use in order to determine the effect. Therefore, any change in or cancellation of an explanation of such a reference mark or such a note, or change in or cancellation of an item or other provisions such explanation refers to in turn, shall be accompanied by:

(1) A republication of all tariff provisions in the tariff as amended which employ the use of the reference mark or note;

(2) The publication of the number of each item or page (positioned with the changed or canceled explanation or changed or canceled tariff provision referred to in turn by the explanation), identifying the supplement, if any, containing tariff provisions which refer to the reference mark or note; or

(3) The publication of a notation (positioned with the changed or canceled explanation or changed or canceled tariff provision referred to in turn by the explanation) explaining the change and the general effect the change will have on the provisions employing the mark or note. Sufficient details must be published to clearly indicate the intent of the change. For example, if a reference explained as "minimum weight 40,000 pounds" is changed to "minimum weight 50,000 pounds," the notation would include information to the effect that the change results in increasing the minimum weight by 10,000 pounds for each truckload and therefore would substantially increase freight charges on all shipments which move under tariff provisions subject to the change.

Also, each page containing such a change or cancellation shall bear a notation at the top to the effect that the page contains a changed or canceled reference mark or note, or changed or canceled tariff provision referred to by the mark or note. This paragraph shall not apply to the explanation of the reference mark E or (E) used in referring to an item showing expiration dates.

(i) *Matter issued under order or other authority.* If an entire supplement or a loose-leaf page or a provision:

(1) Is issued to comply with a mandatory order requiring the specific action;

(2) Is issued under authority of a permissive order allowing notice of less than thirty days and/or departure from tariff-publishing regulations; or

(3) Is published under a regulation of this part permitting less than thirty days' notice and/or departure from an outstanding order;

a reference to such order or rule and the number of days' notice (where less than thirty is authorized) shall be shown on the title page if covering an entire supplement and in direct connection with the tariff provisions (together with the specific effective date) is not comprising an entire supplement. Outstanding orders departed from must be identified.

(j) *Conversion supplements to provide general rate changes.* (1) A conversion table type supplement may be filed to any bound or loose-leaf tariff having not less than 20 pages (excluding supplements) to provide a general change in the level of all or substantially all the rates or charges, or all or substantially all the rates or charges in a described category (less-than-truckload, truckload, etc.) named in the tariff. (However, part of the general adjustment may be effected by specific publication of rates and charges in a companion supplement issued under authority of paragraph (j)(6) of this section, or, in the case of loose-leaf tariffs, by loose-leaf page amendments.) The supplement shall employ the columnar form of publication, naming each base rate or charge to be increased or reduced and in direct connection therewith the resulting applicable rate or charge. The supplement shall be in clear, explicit, and simple terms, and be free of conflict and ambiguity. A conversion type supplement may be filed by a carrier or agent to a tariff of less than 20 pages (excluding supplements) provided it is filed at the same time as such supplements are filed by it to other of its tariffs which have 20 or more pages and provided the change is part of the same general rate adjustment.

(2) The conversion supplements shall contain an application provision reading substantially as follows:

> Except as provided in [here identify location of listing of items, notes, or provisions not subject to rate change in whole or in part, specifying what part] and in [specify whether supplements or loose-leaf pages] issued subsequent to this supplement, all rates and charges published in this tariff, as amended, or as may be amended in [specify whether supplements or loose-leaf pages] issued subsequent to this supplement, are hereby or will on their effective dates be [specify whether increased or reduced] as follows for the period this supplement is in effect:

Immediately following this statement, a clear and explicit application of each column of changes must be published. If the supplement does not contain exceptions to or any non-application of the rate changes, the reference in the statement to a listing of exceptions must be omitted. However, under no circumstances may the exception therein with respect to subsequent supplements or loose-leaf pages be omitted. If not all of the rates or charges in a tariff are being changed by the supplement, the statement must clearly and definitely state the exact category of rates or charges (any-quantity, less-than-truckload, truckload, volume, or less-volume rates, minimum charges, etc.) being changed and/or the exact items, sections, etc. of the tariff in which they are contained. Reference to categories of rates may employ only terms used in the tariff or determinable through its published definitions.

(3) If the supplement does not include all the tariff rates and charges to be changed, it must provide a percentage formula or other basis for converting rates and charges which are higher than those shown or otherwise not shown in the conversion table. If this is necessary, the supplement must provide a method of disposing of resulting fractions. When multiple-

factor rates or charges made by use of arbitraries or other means are being changed, the method of computing such changes shall be provided. The tariff shall contain a provision captioned "For information purposes only—not to be used for determining applicable rates" or words of like import, which shall set forth the exact mathematical procedure or formula employed to effect the final increased or reduced rates or charges shown working from the base rate or charge named therein, unless in the judgment of the publishers there was no such procedure or formula, the procedure was too complex for practical exposition, or the rates or charges were not treated uniformly. In such latter instances, the tariff should state briefly why the information is not given.

(4) The published and the converted rates or charges must be in the same monetary unit (in cents, in dollars and cents, etc.) used in the tariff. If the tariff names rates or charge in more than one monetary unit (for example, some in cents, others in dollars and cents), the unit used must be the one employed in the greatest percentage of rates and charges to be changed, and a provision must be published stating how the change is to be applied in connection with the remainder—for example, if the conversion supplement is based on a monetary unit of "in cents," the application provision shall include the following rule:

> Where the rate or charge is stated in dollars or dollars and cents per 100 pounds, per ton, per article, per piece, per package, per shipment, or per any other unit, first find the rate or charge which is equivalent in cents under column [here show column containing base rates] of the conversion table herein and then apply the changed rate or charge shown opposite thereto in columns [here show numbers of columns containing change rates or charges] in item [here show number of item containing application of columns] herein.

(5) Each supplement may contain not more than 10 columns of rates or charges including the published rate or charge column. As to any published rate or charge in the tariff, as amended, application of only one column of changed rate or charge is permitted. For example, the supplement may not provide for application of one increase therein and then subject the resultant rate to a second increase therein.

(6) Each conversion type supplement shall contain no other matter, be indicated to expire with a specific date not beyond one year from its effective date, and, as to a bound tariff, be exempt from the terms of § 1310.9(d)(2) (rule 9). Each regular (not conversion type) supplement containing only republished class-rate tables and necessary related provisions forming a part of the same general rate adjustment, naming the same issued and effective dates as the conversion type supplement and not made subject to a conversion table shall also be exempt from the terms of § 1310.9(d)(2) (rule 9). Such a regular supplement need not show an expiration date.

(7) As to a bound tariff, an exception item or note may be republished from the conversion supplement into a regular supplement in order to add, eliminate, or change provisions. As to a loose-leaf tariff, exceptions may be published in an item in the tariff proper to which the conversion supplement may refer, in which case the item may be republished in the regular manner in subsequent republications of the particular page. If the exceptions are published in the conversion supplement issued to a loose-leaf tariff, they may not be amended.

(8) The title page of the conversion supplement shall indicate, in the top margin, whether the changes are increases or are reductions. If the changes consist of some of both kinds, the notation must add "as indicated herein" and the different categories of changes must be indicated by use of the appropriate symbols for increase and reduction.

(9) All subsequent amendments (supplements or loose-leaf pages) to the tariff becoming effective during the effectiveness of the conversion supplement and naming rates or charges shall contain a notation indicating whether such amendments are or are not subject, as the case may be, to the provisions of the conversion supplement (identifying the supplement) or to the application item (identifying the item).

(10) As to a tariff, only one conversion supplement may be in effect at any time. The duration of the application of published changes in a conversion supplement may not be extended by a like supplement providing essentially the same increases or reductions. A conversion supplement may not be reissued with the same or earlier expiration date unless requested by the Commission.

(11) The provisions of this paragraph do not authorize the publication and filing of so-called master tariffs or connecting link supplements.

(12) The supplement shall not require more than a one-step increase operation in order to determine the applicable rate or charge.

(13) Conversion supplements and companion supplements or loose-leaf pages forming part of the same general adjustment as the conversion supplements may change tariff matter which will not have been in effect for 30 days. Subsequent supplements or loose-leaf pages filed prior to the effective date of the conversion supplement may change or cancel on lawful notice matter changed by the conversion supplement before the change in the conversion supplement has been in effect for 30 days.

(k) *Percentage supplements to provide general rate changes.* (1) A supplement which expresses the amount of change as a percentage by which the tariff's explicitly-stated rates and charges are to be increased or reduced may be filed to any tariff to provide a general change in the level of all or substantially all the rates and charges, or all or substantially all the rates and charges in a described category in the tariff.

(2) The supplement shall clearly explain its application and shall state where any exceptions to its application are listed. It shall also show how to compute the increased or reduced rates from the percentages shown; how to dispose of fractions; and how to compute multiple-factor rates made by the use of arbitraries or other means. Only matter concerning the percentage change may be published in the supplement.

(3) A percentage supplement shall bear an expiration date on its title page which shall be within two years of its effective date. The title page shall also describe the nature of the changes effected by the supplement. Only one percentage supplement may be in effect at one time.

(4) Percentage supplements may change tariff matter which will not have been in effect for 30 days. Subsequent amendments filed prior to the effective date of the percentage supplement may change or cancel, on lawful notice, matter changed by the percentage supplement before that change has been in effect for 30 days. Tariff amendments containing explicitly-stated rates or charges becoming effective during the effectiveness of a percentage supplement shall state whether or not they are subject to the provisions of the percentage supplement.

(5 U.S.C. 553; 49 U.S.C. 10762)

[41 FR 30591, July 26, 1976, as amended at 42 FR 44239, Sept. 2, 1977; 45 FR 60439, Sept. 12, 1980]

§ 1310.11 Transfer or cancellation of provisions (rule 11).

(a) *Different situations.* Cancellation of a tariff, in whole or in part, involves one or more different situations each of which requires a different procedure to be followed in publishing. Below is summarized each of the several different kinds of situations.

(1) Cancellation of an entire tariff, as amended, with discontinuance of all provisions therein, no transfer of provisions to another tariff or tariffs—see paragraph (b)(1) of this section.

(2) Cancellation of an entire tariff, as amended, with transfer of all provisions not being discontinued to a new tariff (issued by the same carrier or agent) being issued concurrently—see paragraph (b)(2) of this section (see paragraph (a)(8) of this section for exception).

(3) Cancellation of an entire tariff, as amended, with transfer of all provisions not being discontinued to two or more tariffs (which may be new concurrent issues or already effective issues, or both) issued by the same carrier or agent—see paragraph (b)(3) of this section.

(4) Cancellation of an entire tariff, as amended, issued by a carrier with transfer of all provisions not being discontinued to one or more tariffs (which may be new concurrent issues or already effective issues, or both) issued by an agent—see paragraph (b)(4) of this section.

(5) Cancellation of a tariff, as amended, in part only, with discontinuance of the provisions canceled, no transfer of provisions to another tariff—see paragraph (b)(5) of this section.

(6) Cancellation of a tariff, as amended, in part only, transferring such of the provisions of that part which are not being discontinued to one or more other tariffs—see paragraph (b)(6) of this section.

(7) Cancellation of a tariff, as amended, to correct error of omission in failing to direct its cancellation in the new issue thereof—see paragraph (b)(7) of this section.

(8) Cancellation of an entire tariff, as amended, issued by an agent or jointly by two agents, with transfer of all provisions not being discontinued to a new tariff being issued concurrently by the same agent or agents jointly with an additional agent; or cancellation of an entire tariff, as amended, issued by joint agents, with transfer of all provisions not being discontinued to a new tariff being issued concurrently by a lesser number of the same agents—see paragraph (b)(8) of this section (also see § 1310.21 (rule 21)—Tariffs of Joint Agents).

(9) Transfer or provisions from an agent's tariff to the tariff of a carrier. A carrier's tariff may not direct the cancellation of a tariff, either in whole or in part, of an agent. Transfer may only be effected by cancellation by the agent and publication by the carrier, each as to its own issue. A common effective date for both actions shall be arranged to prevent conflict in rates or absence of any effective rates. The tariffs shall refer to each other in the manner and to the extent provided in § 1310.11(b)(6) of this part.

(b) *Applicable only as directed in paragraph (a) of this section.* (1) Issue a supplement to the tariff (bound or loose-leaf) to be canceled showing that it "cancels" the tariff. State what provisions, of what tariff, will thereafter apply.

(2) Show on title page of new tariff, or within, as provided in § 1310.5(b) (rule 5), that it "cancels" the prior issue. If the new issue does not contain all of the provisions superseding those formerly in the canceled tariff, the canceling tariff shall show where provisions not appearing therein will thereafter be found, or what rates thereafter will apply.

(3) Issue a supplement to the tariff (bound or loose-leaf) to be canceled, showing that it "cancels" the tariff. Refer to each other tariff in which the provisions thereafter will be found and identify in some manner what portion is being transferred to what tariff. If some portion is being discontinued, without transfer, state this fact, identifying the provisions to the greatest extent possible, and state what tariff will thereafter apply on the traffic or on the service. In each tariff to which a transfer is made (by reissue, issue of a new tariff, or amendment to an existing tariff), indicate in connection with the superseding provisions in each case, if newly published and not already effective, the tariff which contained the provisions superseded, whether changed or not. The effective date of all actions must be the same.

(4) Follow same procedure set forth in paragraph (b)(3) of this section except do not indicate in connection with the superseding provisions the tariff containing the provisions superseded. Instead, if the carrier will be a new participant in the agent's tariffs, a notation reading as follows shall be shown in connection with the carrier's name in the list of participating carriers:

> Rates formerly applicable were published in [here identify tariff].

(5) Amend the tariff to be canceled in part in the regular manner (by supplement if a bound tariff, or by revised pages if a loose-leaf tariff), making specific cancellations of provisions. If a bound tariff, and the amount of tariff matter it would be necessary to publish to comply would require more than four complete pages (including the title page), or if a loose-leaf tariff, and the reissuance of more than one-

fourth the effective pages would be required to comply, the cancellation may be effected by a statement for the purpose published in a special supplement issued to the tariff. The statement shall specifically identify the material canceled (numbers of the items, units, tables, sections, pages, etc.) and state what provisions in what tariffs will thereafter apply in the absence thereof. The supplement must be permitted to remain in effect for the life of the tariff, or in the case of loose-leaf tariffs until all the affected pages have been reissued (such reissued pages must refer to the supplement action). A supplement to a bound tariff may contain both cancellation in the regular manner and cancellation by statement. A supplement containing only matter necessary for the partial cancellation is exempt from supplemental limit provisions of this part. In bound tariffs, any reissue in a subsequent supplement of an item or unit affected by the statement form of cancellation shall specifically cancel the prior item or unit "as amended by" the canceling supplement.

(6) Amend the tariff to be canceled in part in the regular manner (by supplement if a bound tariff, by revised pages, or by reissue, as appropriate for the type of tariff under this part), making specific cancellations of provisions (except where tariff reissued). If a bound tariff, and the amount of tariff matter it would be necessary to publish to comply would require more than four complete pages (including the title page), or if a loose-leaf tariff, and the reissuance of more than one-fourth the effective pages would be required to comply, the cancellation may be effected by a statement for the purpose published in a special supplement issued to the tariff. The statement shall specifically identify the material canceled (numbers of the items, units, tables, sections, pages, etc.), refer to each other tariff in which the provisions thereafter will be found, and identify in some manner what portion is being transferred to what tariff. If some portion is being discontinued, without transfer, state this fact, identifying the provisions to the greatest extent possible, and state what tariff will thereafter apply on the traffic or on the service. The supplement must be permitted to remain in effect for the life of the tariff, or in the case of loose-leaf tariffs until all affected pages have been reissued (such reissued pages must refer to the supplement action). A supplement containing only matter necessary for the partial cancellation is exempt from the supplemental limit provisions of this part. In bound tariffs, any reissue in a subsequent supplement of an item or unit affected by the statement form of cancellation shall specifically cancel the prior item or unit "as amended by" the canceling supplement. In each tariff to which a transfer is made (by reissue, issue of a new tariff, or amendment to an existing tariff), indicate in connection with the superseding provisions in each case, if newly published and not already effective, the tariff which contained the provisions superseded, whether changed or not. The effective date of all actions must be the same.

(7) Issue a cancellation supplement to the tariff (bound or loose-leaf) which in error was not canceled by its reissue. Do not attempt to add the cancellation notice to the new issue.

(8) Issue a supplement to the tariff (bound or loose-leaf) showing that it "cancels" the tariff. Identify on the title page of the canceling supplement, or within, the new issue by ICC designation. If the new issue does not contain all of the provisions superseding those formerly in the tariff being canceled, the canceling supplement shall show where provisions not appearing in the new issue will thereafter be found, or what rates thereafter will apply. The old issue shall be referred to in the new issue. (See § 1310.21 (rule 21)—Tariffs of Joint Agents.)

(Sec. 310a, 5 U.S.C. 553, 558; 49 U.S.C. 5, 6, 12, 20, 318, 319, 904, 906, 1003, 1005, 1013; sec. 12, 24 Stat. 383 as amended, secs. 5, 6, 12, 24 Stat. 380 as amended, sec. 20, 24 Stat. 386 as amended; 49 Stat. 561, 563, 52 Stat. 1237 as amended; secs. 304, 306, 54 Stat. 933, 935; secs. 403, 405, 413, 56 Stat. 285, 287, 295; 80 Stat. 378)

[41 FR 30591, July 26, 1976, as amended at 42 FR 44240, Sept. 2, 1977; 43 FR 8552, Mar. 2, 1978]

§ 1310.12 Expiration dates (rule 12).

(See § 1310.28 (rule 28) for provisions which may be filed on less than 30 days' notice.)

(a) *Expiration dates may be shown.* Any tariff as amended, any supplement to a tariff, or any certain provisions thereof, may be indicated to expire "with" a given date. If to govern an entire tariff as amended, the provision must be on the title page and start with "This tariff, as amended . . . ." The statement should not be repeated on the title pages of subsequent supplements. If an expiration date is to be added or one changed by supplement, the amending provision must be specific, for example: "Refer to the title page of tariff and ["add," "change," etc.]." Such amendments should be treated the same as other matter being reissued, if the supplement is reissued. If to govern an entire supplement, the expiration statement must be shown on the title page of the supplement, starting with "This supplement . . . ." If to govern an item, the statement may be published within the item simply as "Expires with . . . ." If a unit other than an item or if only a portion of an item, the statement must be clear as to what is subject to the expiration.

(b) *Expiration dates may be shown in separate item.* The reference mark E or (E) may be attached to a provision (the reference mark may be used only against items or parts of items, and may not be used for any other purpose) and explained "Subject to expiration date shown in item . . . ," in which case the referred to item, reserved for this purpose only, shall identify the item affected, whether all or what provisions therein are subject thereto, and the "with" expiration date, so worded as to leave no doubt as to the proper application. After expiration, the reference therein (to an item or parts of an item) should be amended promptly to indicate "expired" and so maintained until the provisions affected have been amended to indicate the expiration.

(c) *Expired provisions.* Expired provisions part of a tariff should be reissued in accordance with § 1310.10 (c)(9) (rule 10) to indicate the fact. No attempt shall be made to reinstate matter already expired by publishing a new expiration date in the item listing expiration dates without republication of such matter.

§ 1310.13 Sectional tariffs (rule 13).

(a) *May be filed—sections must be numbered.* A tariff arranged in "sections" may be filed. Each section must be consecutively numbered, commencing with section No. 1, and each page (including the title page, if any) of the section shall show the section number in the upper center portion thereof, in a prominent manner.

(b) *Alternative use of rates may be provided.* (1) Rates may be alternated by publishing them in different sections of the same tariff. A section containing rates which alternate with rates in any other section of the same tariff shall be known as an alternating section. The first page of each section in a tariff containing alternating sections shall be the title page of that section, be reserved for provisions pertaining to application, and show, in addition to the section number, the application of rates published in the section. The title page of each alternating section must contain the following statement:

> If the charge accruing under section ——, ——, or —— of this tariff is lower than the charge accruing under this section on the same shipment over the same route, the charge accruing under section ——, ——, or ——, whichever is lower, will apply.

If the rates in the section alternate with rates in less than three other sections, the statement shall be modified to be compatible therewith.

(2) Unnecessary alternation of rates must be avoided by checking the rates in one section against those in other sections and omitting rates which clearly result in higher charges than those which result from the rates in the other sections. Alternating reference must not be given to another section unless that section actually contains rates which alternate.

(c) *Nonalternating section—position of sections—statements.* Each commodity tariff and each combined class and commodity tariff arranged in sections for alternative use shall contain a section naming specific commodity rates which do not alternate with rates in any other section. This section shall be known as the nonalternating section. When a tariff names commodity rates only, the nonalternating section shall be the first one naming rates. When a combined class and commodity tariff, only class rates shall be shown in the first section or sections naming rates, and the nonalternating section shall be the first one naming commodity rates. Such tariffs shall show, in the places indicated, the following statements: Under "Application of Rates" in the rules section of the tariff, show:

> The rates in section [here show number of nonalternating section] are specific commodity rates and do not alternate with rates in other sections of the tariff. See application of that section.

On the title page of the nonalternating section, show:

> When rates are published in this section on the commodity transported from point of origin to destination, rates named in this section will apply regardless of rates between the same points, over the same routes, published in other sections.

On the title page of each other section containing commodity rates, preceding the statement prescribed in paragraph (b), show:

> When rates are published in section [here show number of nonalternating section], the rates named in this section on the same commodity from and to the same points, over the same route, will not apply.

Specific section numbers may be shown instead of "other sections" in the statements.

(d) *Restrictions.* A tariff arranged in sections for alternative use is subject to the following restrictions on alternations between sections in the same tariff:

(1) A class rate section may alternate with not more than one other class rate section.

(2) A tariff may contain not more than two alternating commodity rate sections, which may alternate with one another and may alternate with not more than two class rate sections.

(3) One section may not alternate with more than three other sections.

(4) Rates published in another tariff may not be reproduced for alternative purposes.

(5) Except as otherwise authorized in § 1310.7(e) (rule 7) (Rates based on varying quantities), a rate in one section may not alternate with a rate in the same section.

(6) Alternating sections may not be subdivided.

(e) *Arrangement may not be changed.* A bound tariff which, as originally filed, does not contain alternating sections may not be changed into one with alternating sections except by reissue, nor may a supplement issued thereto add an additional section to a tariff containing alternating sections. A loose-leaf tariff may be changed in the regular manner, by issuance of new and revised pages.

§ 1310.14 Suspended matter (rule 14).

(a) *Suspension orders and vacating orders.* An order of suspension suspends the operation of the tariff provisions described therein and prohibits any change during the period of suspension in such provisions or in the matter held in effect by reason of the suspension. Regardless of whether or not a notice of suspension is filed and amendments made to published cancellations (if any) to carry out the purpose of the order, neither the matter described nor cancellations (published and on file at time of issuance of such order) prohibited by the order shall become effective. The use is permissive of any authority arising from a vacating order (unless otherwise provided in the order), but if used the tariff must be specifically amended to remove the published notice of suspension and other impediments in the tariff to the application of the provisions originally suspended.

(b) *Supplement to loose-leaf tariff.* A supplement may (or must, as the case may be as to each affected paragraph) be filed to a loose-leaf tariff to comply with the provisions of the following paragraphs of this section:

(c) Supplement announcing suspension—consolidated supplement.

(g) Postponement or further postponement of matter suspended.

(i) Suspended matter may be canceled.

(j) Vacation of order—suspended matter under postponement found justified.

(k) Suspended or postponed matter ordered canceled.

(l) Postponement of tariff matter published under an order which is stayed.

Such a supplement may contain no other matter. As to paragraphs (i) and (k), the supplement may be filed only for the purposes specifically indicated therein.

(c) *Supplement announcing suspension—consolidated supplement.* (1) Upon receipt of an order suspending any tariff publication in part or in its entirety, the carrier or agent in whose name the publication was filed shall immediately file a supplement containing a "Notice of Suspension." The title page of the supplement shall identify the investigation and suspension docket number, and shall bear an issue date, but not an effective date. The notice of suspension shall specifically indicate the publication or portion thereof that is suspended, the date with which the suspension ends, state that the matter under suspension may not be used during the period of suspension (and subsequent postponement, if any), and identify the provisions that will apply. If class rates in a tariff published in the name of the same carrier or agent will apply, the reference need only be to "class rates." If the class rates are published elsewhere, the tariff must be identified. If commodity rates will apply, the reference must be specific. Indefinite terms such as "presently applicable provisions" or "rates and charges in effect prior to suspension" may not be used. The notice shall also correct, where necessary, by statement (i) cancellation notices which direct the cancellation of the suspended matter or matter held in force by reason of the suspension and (ii) statements on title pages of supplements listing the numbers of the effective supplements to the tariff. The notice may include a provision postponing the effective date of the suspended matter beyond the suspension period until the date on which the suspension notice is canceled. A notice of suspension may not include any provision not relating to the suspension.

(2) As to bound tariffs (only) two or more notices of suspension may be published in a supplement confined to such a purpose, which shall be known as a consolidated suspension supplement. The title page shall bear an issue date, but not an effective date. Each notice must be designated as an item, which shall include all provisions required by paragraph (c)(1) of this section and may include any provision permitted thereby. The item numbers shall be in a separate series, differentiated from the regular tariff series by use of the prefix "S", starting with S-1, then S-2, S-3 and so on in consecutive numerical sequence. Not more than two such supplements may be in effect at one time in any tariff. Once such a supplement is filed to a tariff, this supplement and item form of publication must continue for the life of the tariff.

(3) When it is necessary to adjust an item in the consolidated supplement to conform with a corrected order of the Commission, the supplement shall be reissued and the item republished showing "(Corrected)" after the item number instead of showing a letter suffix. If matter in an item in a consolidated suspension supplement is changed and republished in another such supplement for any other reason (for example, to add a postponement notice), cancellation shall be by letter suffix as provided in § 1310.10(c) (rule 10). The cancellation shall provide an effective date and be filed on lawful notice.

(4) Otherwise, as long as the status of the tariff matter suspended does not change, or unless and until the manner of showing the fact of suspension and postponement is changed to that authorized in paragraph (f) of this section, the item must be maintained in a consolidated suspension supplement. If the matter is placed into effect by tariff publication or is canceled, then the item must be brought forward into the supplement effecting that change in the matter and the item canceled in the regular manner. If the period of suspension or the period of postponement expires, causing the matter to become effective the item should be canceled in the regular manner in the next regular sup-

plement issued to the tariff. If, using the method authorized in paragraph (f) of this section, the suspended or postponed matter is brought forward in a regular supplement with appropriate notations as to suspension or postponement, then the item, no longer serving any purpose, must be concurrently canceled in the regular manner in the same supplement taking such action. If the announcement of suspension (with or without postponement) is in a single supplement (not in an item) authorized in paragraph (c)(1) of this section, such supplement must be canceled when it has served its purpose, and effective concurrently with the tariff matter (if any) which remove the need for it, by supplement if a bound tariff or by the reissued check sheet if a loose-leaf tariff. Cancellation of such a supplement or item should include a brief reference to the circumstance or reason causing its issuance. A single supplement containing a notice of suspension, or a suspension item, must not be canceled unless all the matter referred to therein is canceled, becomes effective, or is properly brought forward as explained in the regulations in this section.

(5) In the case of a resuspension of tariff matter, the notice of suspension or the item announcing suspension, as the case may be, shall be reissued, canceling the first, and the statements therein adapted to the new action taken by the Commission, including a reference to the facts of the first suspension. Subsequent handling of the matter shall proceed substantially as prescribed for suspension matters in this section.

(d) *Suspended matter reissued before supplement announcing suspension is issued.* If a bound tariff and if, prior to the filing of the supplement announcing suspension, a carrier or agent files a later supplement which contains as reissues the matter suspended in the previous supplement, the supplement announcing the suspension shall specifically by statement (not reissue) cancel from the later supplement such reissued matter. Such statement of cancellation must itself have an effective date, and such date must be the same as the date upon which the reissued matter is indicated to become effective in the later supplement, giving not less than 10 days' notice. As used in this paragraph, "reissued matter" means matter republished without change and designated or referenced as reissued matter in the manner required by § 1310.10(g) (rule 10). Items or other tariff provisions which direct the cancellation of a previous showing of such matter do not constitute reissued matter which the suspension supplement may cancel, even though no actual change in the provision is made. Tardiness in filing any supplement announcing a suspension may result in the rejection of the later supplement which cancels the suspended matter.

(e) *Suspended matter republished before supplement announcing suspension is issued.* (1) If, prior to the filing of the supplement announcing suspension, a carrier or agent files a publication which is not included in the suspension order and which contains a republication (not a reissue as defined in paragraph (d) of this section), in the same or in changed form, of matter in the previous publication, which matter, however, is under suspension, the matter must again be republished to remove the violation of the investigation and suspension order. When a bound tariff, the republication shall be accomplished by supplement (it may not be included in the supplement announcing the suspension), and when a loose-leaf tariff, by loose-leaf page amendment. See paragraphs (f) and (g) of this section for procedure.

(2) Such publication may be filed on not less than 10 days' notice, but all the correcting provisions must become effective on or before the date the erroneously republished matter was originally indicated to become effective. In no case may the effective date of matter not affected by the suspension be advanced to an earlier date.

(f) *Reissue of suspended matter.* (1) When a tariff, supplement, loose-leaf page, item, or unit, part of which is under suspension is reissued and the suspended matter therein is to remain under suspension, the publication, item, or unit shall be cancelled in its entirety and the suspended matter brought forward without change into the new publication, item, or unit.

(2) The suspended matter which is brought forward shall clearly show that it is under suspension by publication of a notice in direct connection with such matter and in substantially the following form:

NOTICE OF SUSPENSION

This [here indicate whether item, rate, rule, etc.] is reissued from [here state whether tariff, supplement, or page and the designation or number thereof] and is under suspension to and including [here show date appearing in suspension order] by order of the Interstate Commerce Commission dated [here show date of order] in I. & S. Docket No. [here show docket number]. It may not be applied on any shipment during the period of suspension [here add "and postponement" when the postponement notice is used].

Apply [here identify in the same manner as in the suspension notice the provisions that will apply].

(See paragraph (g) of this section for provisions pertaining to the postponement of suspended matter.)

(3) If matter held in force by the suspension is in the same tariff as the suspended matter, the matter held in force may be brought forward without change into the new publication. If such matter is normally shown in the same location where the suspended matter is shown, it must, when being brought forward, be shown with the suspended matter in the new publication. If a publication, item, or unit containing matter held in force by reason of suspension is canceled, and the matter therein is to be continued in force, such matter must be reissued without change. When such matter held in force is brought forward, it must be properly identified in every case.

(4) Matter originally suspended and later postponed may be carried forward in the same manner as suspended matter.

(5) If the matter held in force is brought forward into the new publication and is to be canceled or is to expire with the effectiveness of the suspended matter, publication in every case must be made in such a manner that in the event the suspended matter becomes effective at the end of the period of suspension or postponement without additional publication, the matter held in force will be canceled or will expire by its own terms effective concurrently.

(6) Before the suspended matter may be brought forward for the first time under the provisions of this paragraph, a supplement announcing the suspension must be on file.

(7) Every tariff or supplement which contains suspended matter brought forward under the provisions of this paragraph must contain in the table of contents and opposite the words "Suspended Matter Herein" reference to such matter by number of the item, unit, page, or other designation where it appears. If the tariff or supplement does not contain a table of contents, the same information shall appear under the same subject near the front.

(g) *Postponement or further postponement of matter suspended.* (1) If it is desired that suspended matter not become effective at the end of the suspension period, and if the supplement announcing the suspension does not provide for postponement thereof, a postponement notice may be published and filed at any time during the suspension period. The postponement notice must be indicated to become effective not later than the date to which the matter is suspended. (See paragraph (g)(3) of this section.) It must provide that the postponed matter may not be applied on any shipment during the period of postponement. If the postponement notice is to appear in connection with the reissue of suspended matter authorized by paragraph (f) of this section, it must follow the first sentence in the "Notice of Suspension" required by paragraph (f)(2) of this section. The postponement notice may postpone the effectiveness of the matter to a date upon which such notice is canceled, or to a specific date.

(2) When it is postponed to a specific date and it is desired that the matter be further postponed, the postponement notice may be changed at any time during the period of suspension or postponement. The changed postponement notice must be indicated to become effective not later than the date to which the matter was previously postponed. The previous notice must be canceled.

(3) When a postponement or further postponement provision authorized by this paragraph (g) is filed, as much notice as reasonably possible must be given, but in no case less than one day. When the matter held in force by the suspension is indicated to be canceled on or to expire with a date prior to the date to which the suspended matter is postponed, such cancellation or expiration must be concurrently postponed on the same notice. A postponement notice may be canceled at any time upon 30 days' notice.

(h) *No change permitted—suspended matter and matter held in force.* A suspended rate, charge, classification, rule, or provision respecting practices may not be changed or withdrawn, except as otherwise specifically authorized; nor may any change be made in a rate, charge, classification, rule, or provision respecting practices which is continued in effect as a result of such suspension, except as otherwise specifically authorized.

(i) *Suspended matter may be canceled.* (1) After the notice of suspension required by paragraph (c) of this section has been filed, matter under suspension or suspended matter under postponement may be canceled upon not less than 10 days' notice. The cancellation shall be made effective on or prior to the date to which the matter has been suspended or postponed, or on or before the date a final decision in the proceeding is reached by the Commission, whichever is earlier.

(2) The carrier or agent shall concurrently with the filing of such cancellation notify all parties of record in the proceeding and the Office of Proceedings, Interstate Commerce Commission, Washington, DC 20423, by first class mail or telegram of such cancellation. The notification shall refer to the docket number of the investigation and suspension proceeding, to the ICC designation of each tariff included in the suspension, and to the number of each supplement or loose-leaf page effecting the cancellation, and shall indicate the effective date thereof. The carrier or agent shall concurrently certify by first class mail to the Office of Proceedings that the notifications have been made. A signed copy of the certifying letter shall be attached to the letter of transmittal accompanying the copies of the tariff publication sent to the Bureau of Traffic for official filing.

(3) If the matter held in force is contained in the same tariff as the suspended or postponed matter and if it was specifically indicated to be canceled by the suspended or postponed matter, it must be brought forward without change concurrently and on the same notice into the supplement or onto the page canceling the suspended or postponed matter (see paragraph (i)(5) for exception). If the matter held in force is still contained in a prior issue of the tariff containing the suspended matter, it may be brought forward without change concurrently and on the same notice into the canceling publication or into a new tariff.

(4) Suspended or postponed matter may not be canceled under the provisions of this paragraph:

(i) When a particular carrier or agent cancels only a portion of the matter in tariffs issued in its name which is under suspension in a particular I. & S. docket;

(ii) Where cancellation of suspended matter by one carrier or agent would result in duplicating or conflicting provisions for account of any carrier if and when other suspended matter (which is also included in the same I. & S. docket) will become effective in tariffs of other agents or carriers; and

(iii) Where there is no matter (other than class rates) held in force to bring forward and the item, unit, or other provision providing for such cancellation contains the same provision (as that suspended) or a new or changed substitute provision. ("Docket" includes orders bearing sub numbers as well as the lead-number order.)

(5) The cancellation shall be accomplished by supplement (if a bound tariff) or by loose-leaf page amendment (if a loose-leaf tariff), except that if a loose-leaf tariff containing only the suspended matter is to be canceled, that cancellation shall be accomplished by supplement. Supplements and loose-leaf pages shall comply fully with the requirements of §§ 1310.10(c) or 1310.10(d) (rule 10), respectively, and cancellation by notice,

contrary to the provisions of such paragraphs, is not permitted except in a supplement canceling a tariff containing only the suspended matter and except in those instances where the cancellation of matter under suspension is a conversion type supplement providing a general increase (or reduction). In this case, it will not be necessary to bring forward the matter held in force by reason of the suspension provided reference is made to where the applicable tariff matter appears. If a provision postponing the suspended matter is in effect, such provision shall be canceled concurrently and on the same notice by the supplement or, when the matter is canceled by a loose-leaf page amendment to a loose-leaf tariff, by the check sheet.

(6) No new matter may be published, nor the effective date of any matter advanced under the provisions of this paragraph.

(j) *Vacation of order—suspended matter under postponement found justified.* (1) When the Commission vacates an order of suspension, or when the effective date of suspended matter has been postponed beyond the term of the suspension order and the Commission finds the matter lawful or otherwise justified, unless otherwise directed the suspended or postponed matter may be made effective on not less than one day's notice. If this is done, the effectiveness shall be accomplished by supplement, if a bound tariff. As to loose-leaf tariffs, if the matter suspended or under postponement has not been brought forward on a new page with appropriate notations as permitted under paragraph (f) of this section, effectiveness shall be accomplished by supplement. If it has been brought forward to a new loose-leaf page (in the same tariff or in a reissue of the tariff) the effectiveness shall be accomplished by reissuance of the particular page or pages. If the order contains an effective date, the tariff action may not be indicated to become effective prior thereto.

(2) The supplement or the loose-leaf page shall identify the suspended or postponed matter and give effect thereto by statement, indicate the date upon which the matter will become effective, and cancel the postponement notice, if any.

(3) When a supplement containing a vacating notice is canceled, if a bound tariff the notice shall be brought forward as reissued matter, the same as any other tariff provision.

(4) Concurrently with the effectiveness of the suspended or postponed matter and on the same notice, the matter held in force shall be canceled (the cancellation must be specific) provided it was originally indicated to be canceled or to expire simultaneously with the effectiveness of the suspended or postponed matter.

(5) When the cancellation of a tariff is to be completed under the provisions of this paragraph, this must be accomplished by statement in a supplement to the new tariff if the new tariff had originally provided for the cancellation of the old tariff in its entirety. Otherwise, the cancellation of the old tariff shall be completed by statement in a supplement to that tariff.

(6) When an entire tariff which is under suspension (or subsequent postponement) is found lawful or otherwise justified, any changes or additions which in the interim have been lawfully made in the tariff held in force may be brought forward without change into the tariff found lawful or otherwise justified. If a new tariff superseding the tariff held in force has been filed during the period of suspension (or subsequent postponement) and the tariff originally held in force has been canceled, any changes or additions lawfully made in the new tariff which are not included in the tariff found lawful or otherwise justified may be brought forward without change into the latter tariff. In this event, concurrently and on the same notice, the new tariff shall be canceled by a supplement thereto. If the tariff found lawful or otherwise justified is a bound tariff, the reissued matter must be shown in the supplement which gives effect thereto. If a loose-leaf tariff, concurrently and on the same notice the reissued matter must be shown on one or more loose-leaf page amendments thereto. Supplements filed under the provisions of this para-

graph (j) may not contain any other matter.

(k) *Suspended or postponed matter ordered canceled.* (1) When the Commission orders suspended (or subsequently postponed) matter canceled, unless otherwise directed by the order the cancellation may be accomplished on not less than one day's notice, by tariff amendment or reissue, effective not later than the final date of compliance stated in the order. The amendment shall be in full accord with §§ 1310.10(c), 1310.10(d) (rule 10), or 1310.11 (rule 11).

(2) If, after the matter (that had been suspended) has become effective at the termination of the suspension period, or subsequent period of postponement (if any), the respondent carrier or agent is required by an order to cancel, and the matter that was held in force by reason of the suspension has been specifically canceled by the now effective formerly suspended provisions, or it had expired by its own terms in accordance with the manner of publication authorized in paragraph (f) of this section, such matter must be restored (subject to whatever changes, if any, lawfully made in the interim, except for the cancellation) effective concurrently with the effectiveness of the cancellation of the matter ordered canceled, and upon the same notice. Reinstatement may be accomplished only by republication of the canceled matter, unless otherwise authorized by this Commission.

(l) *Postponement of tariff matter published under an order which is stayed.* If a Commission order directs or authorizes, as the case may be, certain tariff action, and the effectiveness of the order or the compliance date therein specified is deferred or postponed specifically by order of the Commission, by operation of its regulations, or by a court of competent jurisdiction, the authority therein to require or permit certain action is also deferred or stayed. Therefore, if not already effective, the provisions published therein, if not otherwise authorized, must be postponed by the publishing carrier or agent. For this purpose, postponement may be published effective upon not less than one day's notice, referring to this rule for the authority therefor. The authority for the postponement (postponed by order of the Interstate Commerce Commission, by court order, etc., identifying the order by date, docket, etc.) shall be shown directly in connection with the postponing provisions. The postponement must be to a date not earlier than that upon which it may otherwise lawfully be made effective or postponed indefinitely to such time as the postponement is specifically canceled. Postponement may be in the form of a statement, provided the application is clearly stated.

(m) *Compliance with § 1310.9(d) (rule 9) not required.* (1) When the Commission suspends an entire tariff, any tariffs which would have been canceled by the suspended tariff are continued in effect and will remain in force during the period of suspension or until lawfully canceled or reissued. Supplements to bound tariffs thus continued in effect containing additions to and changes in matter not sought to be changed by the suspended tariff may be filed without regard to the volume of supplemental matter which the effective supplements in the aggregate contain. If the volume permitted by § 1310.9(d) (rule 9) is exceeded and the Commission orders the cancellation of the suspended tariff, either the volume shall be brought within the requirements of § 1310.9(d) (rule 9) or the tariff reissued within 120 days.

(2) Supplements containing only the following kinds of provisions shall be considered exempt for the life of the tariff from the limitations of this part pertaining to the number of effective supplements and the volume of supplemental matter permitted to a tariff:

(i) Suspension notice, as provided by paragraph (c) of this section;

(ii) Provisions which have been republished to remove the violation of the suspension order caused by the republishing of matter under suspension, as provided by paragraph (e) of this section;

(iii) Notice of postponement of matter suspended, as provided by paragraphs (g) and (l) of this section;

(iv) Provisions for the cancellation of suspended matter, as provided by paragraphs (i) and (k) of this section; or

(v) Notice of vacation of suspension or postponement, as provided by paragraph (j) of this section.

(n) *Reference to authority and to investigation and suspension docket number required.* Reference to the investigation and suspension docket number and to this section or rule by number is required for any publication made hereunder. (See § 1310.5(i) (rule 5) as to tariffs, and § 1310.10(i) (rule 10) as to amendments.)

(o) *Court orders.* Restraining orders, injunctions, enjoinders, or other court orders having the effect of suspending the operation of tariff provisions must, to the greatest extent possible, be reflected in tariffs in the same manner as suspensions.

(Sec. 310a, 5 U.S.C. 553, 558; 49 U.S.C. 5, 6, 12, 20, 318, 319, 904, 906, 1003, 1005, 1013; sec. 12, 24 Stat. 383 as amended, secs. 5, 6, 12, 24 Stat. 380 as amended, sec. 20, 24 Stat. 386 as amended; 49 Stat. 561, 563, 52 Stat. 1237 as amended; secs. 304, 306, 54 Stat. 933, 935; secs. 403, 405, 413, 56 Stat. 285, 287, 295; 80 Stat. 378)

[41 FR 30591, July 26, 1976, as amended at 42 FR 44240, Sept. 2, 1977; 43 FR 8552, Mar. 2, 1978]

§ 1310.15 Terminal and other services—changes and allowances (rule 15).

(a) *Provisions must be filed.* (1) Each carrier or its agent shall identify and publish in clear and explicit terms and file with the Commission all rules governing and, where charged, all rates and charges for (i) protective service (icing, refrigeration, heat), detention of vehicles, helper or extra labor furnished, storage, weighing, diversion, reconsignment, C.O.D. collection, transit, loading, unloading, and all other terminal or extra services in addition to the line haul transportation; (ii) allowances or absorptions; (iii) and all other practices, privileges, or other considerations which in any way increase or decrease the amount to be paid on any shipment, or which increase or decrease the value of the service to the shipper. Tariffs authorizing such services, privileges, or practices, or providing rates or charges therefor, or authorizing allowances or absorptions must clearly show their application.

(2) Tariffs may not provide for the addition of any unspecified bridge tolls or ferry charges. They may provide for the addition of named bridge tolls or ferry charges on truckload or volume shipments only if the facilities are identified and the tariff shows clearly and explicitly when and under what circumstances the tolls or charges accrue on any given shipment. Tariffs may not provide for the addition of highway tolls or taxes assessed against the vehicle or the carrier. They may provide for the addition of the unspecified costs of federal, state, or local permits and fees only if the size or weight of the shipment, or the inherent nature of the commodity shipped, is such that the costs must necessarily be incurred, and if the tariff clearly indicates under what circumstances they will be incurred and that the separate amounts will be identified in any billing.

(3) Tariffs containing line-haul rates for the transportation of household goods shall not provide for the inclusion in the line-haul rates of any accessorial services normally associated with or required in the transportation of household goods. Tariffs establishing such accessorial charges shall separately state each such service to be rendered and the charge therefor. The separate tariff charges so established for containers, for packing and for unpacking are to be stated in amounts per container. Charges for other services shall be separately stated on a unit or hourly basis, whichever is appropriate. Charges for storage-in-transit shall be stated in an amount per 100 pounds per day or fraction thereof. Tariffs may state an hourly labor charge applicable to miscellaneous labor service performed at the request of a shipper in connection with the transportation, when a rate is not separately stated for the service so requested. Except as otherwise provided by orders of the Commission tariffs containing rates for the line-haul transportation of household goods or changes for accessorial services incidental to the transportation of household goods shall not provide for the providing of such transportation or

services "free" or "without charge" unless such terms are published to apply on transportation which is authorized to be performed free by the Interstate Commerce Act.

(b) *Method of publication.* (1) All such services, practices, charges, privileges, allowances, and absorptions shall be provided for in one of the following three ways:

(i) By including in the line-haul rate tariff the rules governing the service, practice, charge, privilege, allowance, or absorption, and the charge, if any, for any such service, practice, or privilege;

(ii) By including in the line-haul rate tariff a specific reference by ICC designation to a separate tariff for the rules governing the service, practice, charge, privilege, allowance, or absorption, and the charge, if any, for any such service, practice, or privilege; or

(iii) By including in the line-haul rate tariff the rule set forth below:

> Shipments made under the rates contained in this tariff are entitled also to terminal and transit services and privileges, and are subject to the charges, allowances, rules, and regulations legally applicable thereto, as provided in separately published, lawfully filed tariffs.

No toll or ferry charge, nor charges or fees for permits, or other charges not for a service performed by the carrier or for a privilege may be provided for in this manner.

(2) The use of "free," "without charge," and similar terms must be avoided unless the term is published to apply on transportation which is authorized to be performed free by the Interstate Commerce Act. Except where otherwise provided by orders of the Commission, the tariff may provide that the line-haul rate "includes" the performance of the particular service.

(3) A tariff may not provide for performance of a service at "actual cost" (or words of like import). The charge must be specific and readily obtainable from the tariff. However, a carrier may exclude a service (not line-haul service) from its transportation performance provisions and provide that it will, upon request, act as the shipper's or consignee's agent and undertake to procure for and on behalf of the shipper or consignee such service from other parties, advance the actual charges to the other parties, and collect such charges from the shipper or consignee. However, if the carrier, under the same or another name, is otherwise in the business of performing such service, practice, or privilege, it may not procure its own service at actual cost.

(4) Agents may refer specifically to a tariff (not a tariff naming line-haul rates) published in the name of a member carrier or another agent covering services, charges, practices, privileges, allowances, or absorptions local to the carrier's own line.

(c) *Joint rates include intermediate drayage or transfer.* Joint through rates from points on the line of one carrier to points on the line of another carrier include drayage or other transfer services at intermediate transfer points, and no part of such charges may be added to the joint rates on shipments handled through and not stopped for special services at such intermediate transfer points. All tariffs containing joint rates shall contain the following provision:

> The joint rates published herein include all charges for drayage or other transfer services at intermediate transfer points on shipments handled through and not stopped for special services at such intermediate transfer points.

(d) *Pickup and delivery service.* (1) All tariffs containing rates for the transportation of property shall specify whether such rates do or do not include pickup and delivery service within the limits of the points from, to, or between which the rates are named. If the rates therein do include such service, the following rule must be published in the rate tariff (not a governing tariff):

> The rates named herein include pickup and delivery service at all places within the limits of the cities, towns, villages, or other points from, to, or between which the rates apply.

To this rule may be appended exceptions or reference to exceptions or qualifying provisions elsewhere in the tariff or in a governing tariff (not another rate tariff).

(2) If pickup and delivery service will be performed also in an area beyond or outside the limits of the cities, towns, villages, or other points, from, to, or between which the rates apply, such area shall be described in the tariffs.

(3) If there are to be limitations to, or exclusions from, the service of pickup or delivery, they must be specifically and clearly stated. Unless the tariff specially provides otherwise, pickup service includes loading by the carrier onto the vehicle and delivery service includes unloading by the carrier from the vehicle. Conflicts must be avoided when establishing rates specifically excluding loading and unloading by the carrier where there are other rates which, being silent on the matter, apply regardless of who loads and unloads.

(e) *Assessment of charges on shipments originating at or destined to private residences and other types of premises.* (1) Tariffs of for-hire motor common carriers shall not provide for the application of rates or the imposition of charges, by whatever means, for movements to or from, for example, private residences, apartments, churches schools, camps, and other such locations, which differ from otherwise applicable rates from or to other locations such as businesses, warehouses, and other generally recognized commercial locations.

(2) Before attempting delivery to residences and other related types of premises such as those described in paragraph (e)(1) of this section, the carrier must reach agreement with the consignee or consignor regarding the date and time (approximate) of such delivery. This arrangement for delivery may be accomplished through a notation by the consignor on the bill of lading, or by oral or written arrangement between the carrier and the consignee. In any case, some mutually agreed-upon arrangement for delivery must be made before tender of delivery is initially attempted.

(3) If the carrier complies with the regulation described in paragraph (2) of this section, and, through the fault of the consignee, is unable to tender delivery as scheduled, a reasonable charge to cover the service described in paragraph (e)(2) of this section and additional costs of renotification, arrangement, and redelivery may be assessed. The requirements of paragraph (e)(2) of this section regarding prior arrangement for tender of delivery are similarly applicable when redelivery is necessary.

(f) The following rules apply to all shipments except: *Detention of vehicles.* (1) The following rules apply to all shipments except:

(i) Shipments of household goods;

(ii) Whole or mixed shipments of uncartoned or uncrated new furniture, fixtures, or applicances which require inside strapping, wrapping, bracing and other loading devices similar to those needed for household goods; provided that the uncrated trailerload rate applies;

(iii) Commodities transported in bulk in tank truck, dump trucks, vehicles pneumatically unloaded and other self-unloading mechanized vehicles;

(iv) Heavy and specialized commodities or articles requiring special equipment or handling outside the scope of the certificates of general-commodities motor common carriers;

(v) Livestock other than ordinary;

(vi) Articles picked up or delivered to railroad care in railroad owned or leased equipment having prior subsequent transportation by rail;

(vii) Shipments to consignor and consignees of waterborne commerce at marine terminal facilities to the extent that the marine operator would be liable to the motor common for truck detention under any applicable detention rule promulgated pursuant to the authority of the Federal Maritime Commission.

(2) All common carriers of property by motor vehicle subject to Interstate Commerce Act excepting those specifically excluded, supra, shall publish the below rule entitled "Detention-Vehicles With Power Units" and all such carriers engaging in the practice of spotting shall also publish the below rule entitled "Detention-Vehicles Without Power Units." The wording of the following rules may not be varied except where clearly warranted by exceptional circumstances, and where appropriate, the word "rule"

may be substituted for the word "item".

(3) *Detention—vehicles with power units.* This item applies when carrier's vehicles with power units are delayed or detained on the premises of consignor, consignee, or on other premises designated by them, or as close thereto as conditions will permit, subject to the following provisions:

Sec. 1. *General provisions.* (a) This item applies only to vehicles which have been ordered or used to transport shipments subject to truckload rates. For the purposes of this item, the term truckload rates shall be considered to include shipments moving on a rate subject to a stated minimum weight of 10,000 pounds or more when not designated as a truckload rate, and, where applicable, shipments which are assessed charges based on the provisions of a Capacity Load Rule or are accorded Exclusive Use of Vehicle Service or Expedited Service.

(b) This item applies only when vehicles are delayed or detained at the premises of pickup or delivery and only when such delay or detention is not attributable to the carrier.

(c) Free time for each vehicle will be as provided in section 4. After the expiration of free time, charges will be assessed as provided in section 5.

(d) The detention charges due the carrier will be assessed against the consignor in the case of loading and against the consignee in the case of unloading, irrespective of whether line-haul charges are prepaid or collect. When detention charges are attributable to others who are not parties to the Bill of Lading, the party responsible for the payment of the freight charges will be responsible for any accrued detention. (See Note A).

(e) When carrier's employee assists in loading, unloading, or checking the freight, this item will apply whether or not the power unit is actually detained.

(f) Nothing in this item shall require a carrier to pick up or deliver freight at hours other than carrier's normal business hours. This shall not be construed to restrict a carrier's ability to accept pickup and delivery schedules at hours other than its normal business hours.

Sec. 2. *Definitions.* The following general definitions will apply when the below terms are used in this item:

(a) "Vehicle" means straight trucks or tractor-trailer combinations used for the transportation of property.

(b) "Loading" includes furnishing carrier with the Bill of Lading, forwarding directions, or other documents necessary for forwarding the shipment.

(c) "Unloading" includes: (1) Surrender of the Bill of Lading to the carrier on shipments billed "To Order"; (2) Payment of lawful charges to the carrier when required prior to delivery of the shipment; (3) Notification to the carrier that vehicle is unloaded; and (4) Signing of the delivery receipt.

(d) "Premises" means the entire property at or near the physical facilities of consignor, consignee, or other designated party.

(e) "Site" means a specific location at or on the premises of consignor, consignee, or other designated party.

(f) "Normal non-working periods" means meal, coffee, and rest breaks.

(g) "Pallet" means pallets, platforms, shipping racks, or skids with or without standing sides or ends, but without tops.

Sec. 3. *Computation of Time.* (a) *Commencement and termination.* (1) The time per vehicle shall begin to run upon actual notification by carrier's employee to a responsible representative of consignor, consignee, or other designated party at the premises of pickup or delivery of the arrival of the vehicle for loading or unloading. Upon such notification, the responsible representative of consignor, consignee, or other designated party may enter the time of arrival onto the carrier's detention record. If the representative refuses to enter the time, then carrier's employee will enter the time and it will be binding upon each party.

(2) Time shall end upon completion of loading or unloading except as provided for in paragraph (c) of this section. Upon such completion, a responsible representative of consignor, consignee, or other designated party may enter the time of completion onto the carrier's detention record. If the representative refuses to enter the time, then carrier's employee will enter the time and it will be binding.

(b) *Prearranged scheduling.* (1) Subject to the provisions of item,[1] and upon reasonable request of consignor, consignee, or others designated by them, carrier will without additional charge enter into a prearranged schedule for arrival of the vehicle for loading or unloading.

(2) When the carrier enters into a prearranged schedule with consignor, consignee, or others designated by them for the arrival of the vehicle for loading or unloading and carrier is unable for any reason to maintain such schedule, then carrier and consignor, consignee, or other party designated by them have the option to agree to a mutually convenient and prompt alternative arrival time or in the event such agreement cannot be reached, to compute detention time against consignor, consignee, or other party designated by them from carrier's actual arrival time subject to an extension of 15 min-

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[1] Here the carrier is to identify its pertinent rule.

utes for each 15 minutes or fraction thereof, the vehicle is delayed beyond the originally scheduled arrival time; in no case shall such extended free time exceed 60 minutes.

(3) If carrier's vehicle arrives prior to scheduled time, time shall begin to run from the scheduled time or actual time loading or unloading commences, whichever is earlier.

(c) *Conditions governing the computation of time.* (1) Computations of time are subject to and are to be made within the normal business hours at the designated place of pickup or delivery. If carrier is permitted to work beyond this period, such working time shall also be included.

(2) When loading or unloading is not completed at the end of normal business hours at the designated place, consignor, consignee, or other party designated by them shall have the option: (i) To request that the vehicle without power remain at its premises subject to the provisions of section 4(d); or (ii) to request that the vehicle with power be returned to carrier without being subject to charges for storage or redelivery so long as free time has not yet expired. When the vehicle is returned for completion of loading or unloading the computation of any remaining free time will resume. If free time has expired and detention has begun to accrue, storage or redelivery charges as may otherwise be provided will be assessed.

(3) When carrier's employee interrupts loading or unloading by the taking of any normal nonworking periods, any such time will be excluded from the computation of free time, or will be excluded from the computation of time in excess of free time.

SEC. 4. *Free time.* (a) Free time shall be computed as follows:

Actual weight in pounds per vehicle stop (see note b)	Free time in minutes per vehicle stop
Less than 10,000	120
10,000 but less than 20,000	180
20,000 but less than 28,000	240
28,000 but less than 36,000	300
36,000 but less than 44,000	360
44,000 or more	420

(b) When at least 90 percent of the shipment weight (exclusive of pallet weight) is loaded on pallets, or when the shipment is loaded on flatbed or other open top equipment, free time shall be one-half that amount normally applicable for the weight, not to exceed 120 minutes, except that, when open-top equipment is used in lieu of closed equipment to transport shipments of unpalletized general commodities, free time will be as provided in section 4(a).

(c) When more than one truckload shipment or a truckload shipment and one or more less-than-truckload or any quantity shipments are loaded on one vehicle at the premises of consignor or when more than one truckload shipment or a truckload shipment and one or more LTL or AQ shipments are unloaded from one vehicle at the premises of consignee or other designated party, the combined weight will be used to determine free time; in all other instances the individual shipment weight will be used.

(d) When a vehicle with power is changed to a vehicle without power at the request of consignor, consignee, or other party designated by them, the free time and detention charges will be applied as follows:

(1) If the change is requested and made before the expiration of free time for a vehicle with power, free time will cease immediately at the time the request is made, and detention charges for vehicles without power will immediately commence with no further free time allowed.

(2) If the change is requested and made after the expiration of free time for a vehicle with power, free time and detention charges will be computed on the basis of a vehicle with power up to the time the change was requested. In addition thereto, the vehicle will immediately be charged detention for vehicles without power with no further free time allowed.

(e) When a vehicle is both unloaded and reloaded, each transaction will be treated independently of the other, except that when loading is begun before unloading is completed, free time for loading shall not begin until free time for unloading has elapsed.

(f) Loading or unloading at more than one site at or on the premises of consignor, consignee, or other designated party shall constitute one vehicle stop.

SEC. 5. *Charges.* When the delay per vehicle beyond free time is 1 hour or less the charge will be $18. For each additional 30 minutes or fraction thereof, the charge will be $9.

SEC. 6. *Records.* A written record of the following information must be maintained by the carrier on all truckload shipments, and such record must be kept available at all times:

(a) Name and address of consignor, consignee, or other party at whose premises freight is loaded or unloaded; (b) Identification of vehicle tendered for loading or unloading; (c) Date and time of notification of arrival of the vehicle for loading or unloading; (d) Date and time loading or unloading is begun; (e) Date and time loading or unloading is completed; (f) Date and time vehicle is released by consignor, consignee, or other party at place of pickup or delivery after loading or unloading is completed; (g) Actual time of nonworking periods; (h) Total actual weight of shipment or shipments loaded or unloaded; (i) Whether vehicles are tendered under a prearranged schedule for loading or unloading; (j) Date and time specified for vehicles tendered under a prearranged schedule; (k) Alternative arrangement made when a vehicle is tendered under a prearranged schedule that was not adhered to.

Note A.—At those marine terminal facilities where Federal Maritime Commission detention charges apply, carrier charges pursuant to this rule will be assessed on the party responsible for the payment of the freight charges to the extent such charges exceed those of the Federal Maritime Commission.

Note B.—Also applies to the last vehicle used in transporting overflow truckload shipments, or to vehicles containing truckload shipments stopped for completion of loading or partial unloading.

(4) *Detention-vehicles without power units spotting or dropping of trailers. (see note following Sec. 5).* This item applies when carrier's vehicles without power units are delayed or detained on the premises of consignor, consignee, or on other premises designated by them, or as close thereto as conditions will permit, subject to the following provisions:

Sec. 1. *General provisions.* (a) Subject to the availability of equipment, carrier will spot empty or loaded trailers for loading or unloading on the premises of consignor, consignee, or on other premises designated by them, or as close thereto as conditions will permit.

(b) Loading or unloading will be performed by consignor, consignee, or other party designated by them. When carrier's employee assists in loading, unloading, or checking the freight, the detention provisions governing vehicles with power units will apply. In the case of spotting for loading the Bill of Lading must show "Shipper Load and Count."

(c) Carrier responsibility for safeguarding shipments loaded into trailers spotted under the provisions of this item shall begin when loading has been completed and possession thereof is taken by the carrier.

(d) Carrier responsibility for safeguarding shipments unloaded from trailers spotted under the provisions of this item shall cease when the trailer is spotted at or on the site designated by consignee.

(e) Free time for each vehicle will be as provided in section 3. After the expiration of free time charges will be assessed as provided in section 4.

(f) The detention charges due the carrier will be assessed against the consignor in the case of spotting for loading and against the consignee in the case of spotting for unloading irrespective of whether charges are prepaid or collect.

(g) Nothing in this item shall require a carrier to pick up or deliver spotted trailers at hours other than carrier's normal business hours. This shall not be construed as a restriction on carrier's ability to pick up or deliver spotted trailers at hours other than its normal business hours.

Sec. 2. *Definitions.* The following general definitions will apply when the below terms are used in this item:

(a) "Vehicle" means tractor-trailer combinations used for the transportation of property, where: (1) "Trailer" means mobile units used to transport property; and (2) "Tractor" means a mechanically powered unit used to propel or draw a trailer or trailers upon the highways.

(b) "Loading" includes: (1) Furnishing of the Bill of Lading, forwarding directions, or other documents necessary for forwarding the shipment to the carrier; and (2) notification to the carrier that the vehicle is loaded and ready for forwarding.

(c) "Unloading" includes: (1) Surrender of the Bill of Lading to the carrier on shipments billed "To Order"; (2) Payment of lawful charges to the carrier when required prior to delivery of the shipment; (3) Notification to the carrier that vehicle is unloaded and ready for forwarding; and (4) Signing of delivery receipts.

(d) "Premises" means the entire property at or near the physical facilities of consignor, consignee, or other designated party.

(e) "Site" means a specific location at or on the premises of consignor, consignee, or other designated party.

(f) "Spotting" means the placing of a trailer at a specific site designated by consignor, consignee, or other party designated by them, detaching the trailer, and leaving the trailer in full possession of consignor, consignee, or other designated party unattended by carrier's employee and unaccompanied by power unit. Carrier will not move the trailer until such time as it has received notification, pursuant to section 3, that the trailer is ready for pickup at any site on premises. Consignor, consignee, or other designated party may shift the spotted trailer with its own power units at its own expense and risk for the purpose of loading or unloading. Empty trailers placed at the premises of consignor without specific request are not spotted until the carrier receives a consignor's request and places a trailer for spotting. Movement of the trailer from the consignor's premises to the specific site for spotting shall be the obligation of the carrier, and free time shall accrue as provided in section 3.

Sec. 3. *Computation of free time.* (a) *Commencement of spotting and free time.* (1) Spotted trailers will be allowed 24 consecutive hours of free time for loading or unloading. For trailers spotted for unloading, such time shall commence at the time of placement of the trailer at the site designated by consignee, or other party designated by consignee. For trailers spotted for loading, such time shall commence when the trailer is spotted at the site specifically designated by the consignor or a party designated by consignor.

(2) When any portion of the 24 hour free time extends into a Saturday, Sunday, or holiday (national, state, or municipal), the computation of time for such portion shall resume at 12:01 a.m. on the next day which is neither a Saturday, Sunday, or holiday.

(3) Free time shall not begin on a Saturday, Sunday, or holiday (national, state, or municipal), but at 8 a.m. on the next day which is neither a Saturday, Sunday, or holiday.

(4) When a trailer is both unloaded and reloaded, each transaction will be treated independently of the other, except that when unloading is completed, free time for loading shall not begin until free time for unloading has elapsed.

(b) *Termination of spotting and notification.* (1) Consignor, consignee, or other party designated by them shall notify carrier when loading or unloading has been completed and the trailer is available for pickup. The trailer will be deemed to be spotted and detention charges will accrue until such time as the carrier receives notification. Notification by telephone if convenient and practical, otherwise by telegraph or mail shall be given by consignor, consignee, or other party designated by them at their own expense, to carrier or other party designated by carrier for the purpose of advising such carrier or other party that the spotted trailer has been loaded or unloaded and is ready for pickup. If notification is by telephone, carrier may require written confirmation.

(2) When a spotted trailer is changed to a vehicle with power at the request of consignor, consignee, or other party designated by them, the free time and detention charges will be applied as follows: (i) If the change is requested and made before the expiration of free time for a spotted trailer, free time will cease immediately at the time the request is made, and detention charges for vehicles with power will immediately commence with no further free time allowed; and (ii) If the change is requested and made after the expiration of free time for a spotted trailer, free time and detention charges will be computed on the basis of a spotted trailer up to the time the change was requested. In addition thereto, the vehicle will immediately be charged detention for a vehicle with power with no further free time allowed.

(c) *Prearranged scheduling.* (1) Subject to the provisions of item,[2] and upon reasonable request of consignor, consignee, or others designated by them, carrier will without additional charge enter into a prearranged schedule for the arrival of trailers for spotting.

(2) If carrier's vehicle arrives later than the scheduled time, time shall begin to run from actual time spotting commences.

(3) If carrier's vehicle arrives prior to scheduled time, time shall begin to run from the scheduled time or actual time spotting commences, whichever is earlier.

SEC. 4. *Charges.* (a) *General Detention Charges.* After the expiration of free time as provided in section 3(a) of this item, charges for detaining a trailer will be assessed as follows:

	Charge
1. For each of the first and second 24-hour periods or fraction thereof (Saturdays, Sundays, and holidays excepted)	$25
2. For each of the third and fourth 24-hour periods or fraction thereof (Saturdays, Sundays, and holidays excepted)	35
3. For the fifth and each succeeding 24-hour period or fraction thereof (Saturdays, Sundays, and holidays included)	50

(b) *Delay in trailer pickup charge.* No additional charge will be made for picking up trailers spotted under this item when such pickup can be performed within 30 minutes after arrival of driver and power unit at premises of consignor, consignee, or other party designated by them. When a delay of more than 30 minutes is encountered, detention charges for vehicles with power will commence from the time of arrival as specified in item.[2]

(c) *Strike interference charge.* When because of a strike of its employees, it is impossible for consignor, consignee, or other party designated by them to make available for movement by carrier any partially loaded, or empty trailers detained on their premises, a detention charge of $25 per day or fraction thereof, per trailer will be made following expiration of free time. Saturdays, Sundays, and holidays shall be included after the fourth day of charges.

SEC. 5. *Records.* A written record of the following information must be maintained by the carrier on all spotted trailers, and such record must be kept available at all times: (a) Name and address of consignor, consignee, or other party at whose premises the trailer is spotted; (b) Identification of spotted trailer; (c) Date and time of arrival of the trailer for spotting; (d) Date and time notification that the spotted trailer is ready for pickup was received by carrier; (e) Date and time of arrival and departure of power unit for pickup; (f) The duration of any strike induced delay on the premises of consignor, consignee, or other designated party which resulted in carrier's inability to obtain the release of any trailer, and any actions taken to hasten the release; (g) Whether trailers are spotted under a prearranged schedule; and (h) When trailers are spotted under a prearranged schedule, the date and time specified therefor.

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[2] Here the carrier is to identify its pertinent rule.

NOTE.—For the purposes of this item the terms spotting and dropping are considered to be synonymous and are used interchangeably.

(Sec. 310a, 5 U.S.C. 553, 558; 49 U.S.C. 5, 6, 12, 20, 318, 319, 904, 906, 1003, 1005, 1013; sec. 12, 24 Stat. 383 as amended, secs 5, 6, 12, 24 Stat. 380 as amended, sec. 20, 24 Stat. 386 as amended; 49 Stat. 561, 563; 52 Stat. 1237 as amended; secs. 304, 306, 54 Stat. 933, 935; secs. 403, 405, 513, 56 Stat. 285, 287, 295; 80 Stat. 378; 49 U.S.C. 301 et seq., including secs. 303(b), 308(a), 316(b)(d), 317 (a)(b)(d), and 322 (c),49 U.S.C. 10321, 10704; 5 U.S.C. 553 and 559)

[41 FR 30591, July 26, 1976, as amended at 42 FR 54553, Oct. 7, 1977; 43 FR 8552, July 17, 1978; 43 FR 30563, July 17, 1978; 44 FR 33072, June 8, 1979; 44 FR 57413, Oct. 5, 1979; 46 FR 16224, Mar. 11, 1981]

§ 1310.16 Distance rates (rule 16).

(a) *Distance rates may be filed—when they may be used.* A carrier or agent may file tariffs containing distance or mileage (hereinafter referred to only as distance) class or commodity rates, or both. Except as otherwise provided in § 1310.13 (rule 13) pertaining to alternating sections in tariffs, (1) distance class rates may be used only when no through class rates (other than distance class rates) are published to apply from and to the same points over the same route and (2) distance commodity rates may be used only when no through commodity rates (other than distance commodity rates) are published to apply from and to the same points over the same route.

(b) *Statements on publications required.* (1) Each tariff that contains only distance class rates or only distance commodity rates which do not alternate with the rates in any other tariff shall show on the title page the appropriate following statement:

> Distance class rates shown herein may be used only when no commodity rates or class rates (other than distance class rates) are published to apply from and to the same points over the same route; or
>
> Distance commodity rates shown herein may be used only when no commodity rates (other than distance commodity rates) are published to apply from and to the same points over the same route.

(2) Each tariff that contains only distance class and commodity rates which do not alternate with the rates in any other tariff and which do not alternate with each other shall show on the title page the following statement:

> Distance class rates shown herein may be used only when no commodity rates or class rates (other than distance class rates) are published to apply from and to the same points over the same route, and distance commodity rates shown herein may be used only when no commodity rates (other than distance commodity rates) are published to apply from and to the same points over the same route.

If the rates alternate with each other, the statement may be used if appropriately modified.

(3) If distance rates without alternative application are published in a tariff which also contains rates other than distance rates, the appropriate statement prescribed by paragraphs (b) (1) or (2) of this section shall be shown directly with such distance rates.

(c) *Application of rates must be clear.* The application of distance rates must be clearly and definitely shown. The rate table or unit shall provide a scale of distances ranging from the minimum distance to the maximum distance for which charges will be applied. A rate shall be provided for each such distance. Each state or area embraced by the application of the rate table or unit shall be listed. Such listing must be brief, but must be completely informative as to the territorial coverage. The distances to use for application of the rates shall be determined by providing in the rate tariff the distances between all locations from and to which the rates are published to apply, or by referring in the rate tariff to one or more maps attached thereto or to one or more distance guides. Provisions for the use of "actual" mileage may not be published.

(d) *When a map is referred to.* (1) Not more than three maps may be referred to, and each shall be attached to the publication in a manner that will enable a user to open each map without tearing it or undoing the fastening. Each map should be firmly attached to an individual sheet. The map or maps must provide distances between locations in every state embraced in whole or in part by the rates. (If not more than three maps cannot completely cover the territorial application of the rates, maps may not be used to provide the distances.) Only maps each of which covers a single state are acceptable, except where not more than three states are commonly grouped and no adequate single-state maps are available from ordinary commercial or government sources. (State governments generally have available highway maps of their respective jurisdictions.)

(2) When maps are referred to, the rate tariff must include a rule specifying the manner in which the distances will be obtained from the maps. The rule must include a definite means for determining distances (not "actual" mileage) for ratemaking purposes between all locations within the territorial coverage of the rates, regardless of whether all such locations are or are not shown on the maps and regardless of whether actual distances are or are not shown between all locations shown thereon.

(3) When a map to a tariff supersedes another map to the same tariff (loose-leaf or bound), the new map shall be attached to and made a part of a supplement to a bound tariff or a loose-leaf page to a loose-leaf tariff which shall specifically cancel the old map and give effect to the new.

(e) *When a distance guide is referred to.* (1) Only distance guides officially on file with the Commission may be referred to. More than one may be referred to provided the rate tariff clearly specifies the circumstances under which each guide will apply. All carriers parties to distance rates referring to one or more distance guides must also be parties to each guide referred to. An agent may refer to a distance guide published in the name of another agent for the account of participating carriers also parties to the guide.

(2) Distance guides shall be constructed on the principle of distance tables or combinations of tables and maps, definitely and clearly indicating distances between the locations covered by the rates referring thereto. Tables must provide specific distances between a substantial number of the points and be shown as having precedence. Each guide must provide rules setting forth the application of the guide. The rules must include a definite means for determining distances (not "actual" mileage) for rate-making purposes between all locations within the territorial coverage of the guide, regardless of whether all such locations are or are not shown between all locations therein. If distances between certain points or areas are to be determined through a certain gateway or interchange point only, and not by use of the short-line distance as determined from the maps or by use of the tables, the affected origin and destination areas and the gateway or interchange point (limited to one only) in connection therewith must be identified. Distance guides may exceed the maximum size limitation imposed by § 1310.4(a) (rule 4) but may not exceed 14½ by 17½ inches in size.

(f) *Size of characters on maps.* All characters shown on maps (including maps forming part of a distance guide) need not be of the minimum size ordinarily required by § 1310.4(b) (rule 4) but must be of sufficient size and clarity that they can be read without use of magnification. The Commission may refuse or require correction of maps which in its judgment require improvement to be acceptable.

§ 1310.17 Classification, exceptions, rules, and dangerous articles tariffs; precedence of class rates (rule 17).

(See § 1310.28 (rule 28) for provisions which may be filed on less than 30 days' notice.)

(a) *Classification.* (1) A tariff (not a rate tariff) may be filed containing a classification of the articles or commodities upon which the rates named in tariffs making reference thereto will apply. The various articles or commodities shall be listed in the classification in an orderly manner, and the class or rating to which an article or a commodity is assigned shall be shown directly therewith. Such a tariff shall contain an alphabetically arranged index of all of the articles or commodities listed. Item numbers shown in connection with commodity descriptions shall be assigned, and the items treated, in the manner prescribed in § 1310.4(h) (rule 4), except that they may have portions subordinate thereto indicated as "sub" or "S" following by a number which shall start with the number one and progress in numerical sequence if two or more such parts. Any amendment must be by complete reissue of the item including all its parts. A statement providing that the class, rating, or rate on any article or commodity will be that applying on another article or commodity is not permissible.

(2) Different classes or ratings on the same article, articles, commodity, or commodities based on different minimum quantities may be published provided the alternation provisions of § 1310.6(j)(2) (rule 6) are complied with.

(3) Rules which have general application may be published in a classification tariff. All rules in a classification must precede the list of articles and must be separately indexed.

(4) A tariff (not a classification) published in the name of an agent may refer to a classification tariff published in the name of another agent.

(b) *Precedence of rates.* (1) Each classification shall provide that the establishment of a commodity rate removes the application of the class rate on the same article between the same points over the same route, except when and insofar as alternative use of class and commodity rates is specifically provided in the tariff containing such commodity rates, and except that import, export, coastwise, and intercoastal class rates will take precedence over commodity rates which are not published to apply specifically on import, export, coastwise, or intercoastal traffic. In connection with the application of such a rule, there shall be provided a clear statement showing as to volume, truckload, less-than-truckload, and any-quantity commodity rates what category of class rates the application of which is removed by each such category of commodity rates.

(2) In applying the rule required by paragraph (b)(1) of this section, a local commodity rate will take precedence, on traffic originating or destined beyond, over a proportional class rate between the same points over the same route whether higher or lower, but an import, export, coastwise, or intercoastal class rate will take precedence on import, export, coastwise, or intercoastal traffic, respectively, over a domestic commodity rate.

(c) *Exceptions tariffs.* (1) A separate tariff may be filed containing exceptions to classification classes, ratings, rules or conditions for application in connection with tariffs or rates referring thereto. Exceptions published therein shall not be restricted to a small number of points. One rate tariff may be governed for account of any one carrier by not more than one tariff of exceptions published either by a carrier or by an agent. An exceptions tariff of a carrier's own issue may not be referred to as governing other than the carrier's own rate tariffs. Except as otherwise provided in paragraph (c)(4) of this section, a tariff of exceptions may not contain any matter which is not in fact an exception to a rule, class, rating, or other condition published in the classification. Exceptions tariffs may contain classes or ratings published to apply on the movement of an entire plant, in which case the requirements of § 1310.6(j)(5) must be complied with. Exceptions may not be alternated with classes, ratings, rules, or conditions in the classification. Any statement providing that the class, rating, or rate on any article will be that applying to another article is not permissible.

(2) Different classes or ratings on the same article, articles, commodity, or commodities based on different minimum quantities may be published provided the alternation provisions of § 1310.6(j)(2) (rule 6) are complied with.

(3) An exceptions tariff shall contain separate and complete alphabetical indexes of the rules and of the articles listed therein. The exceptions shall be arranged and constructed in the manner set forth for exceptions in rate tariffs in paragraphs (ii), (iii), (iv), and (v) of § 1310.6(j)(1) (rule 6). The title page shall provide a statement reading substantially as follows:

> This tariff applies only in connection with tariffs referring hereto by ICC designation.

(4) Rules and provisions covered by § 1310.6(i) (rule 6) may be included in the same tariff with classification exceptions. Lists of commodities authorized in § 1310.7(g)(4) (rule 7) may also be included in an exceptions tariff, in which case the carrier or agent may not have any tariff containing commodity lists exclusively. Where classification exceptions are published in the same tariff with rules or commodity lists, the tariff shall be divided into sections. Each category of provisions shall have its own section, separated from the others by a section title page appropriately identifying the contents. Such a publication must contain a complete index.

(d) *Rules tariffs.* Governing rules and similar provisions may be published in a separate tariff filed in the name of an agent or a carrier. As to any one rate tariff published by a carrier as its own issue there may not be more than one governing rules tariff of its own issue and not more than one governing rules tariff of its agent's issue. As to any one rate tariff published by an agent there may not be more than one governing rules tariff, which must be the issue of that agent. A carrier may not publish in its own issue rules which cover the same service, practice, or privilege provided for its account in the tariff of its agent. Either the agent's tariff rule must indicate nonapplication for its account, or the carrier's tariff rule must be indicated as an exception to the rule of its agent and clearly identify what rule. An exception, when taken, must indicate it is to the complete rule, section, or other identifiable unit affected, and an exception must be a complete rule, section, or other identifiable unit in itself. Every effort should be made to republish entire rules that are relatively small or that name relatively few exceptions. For the purposes of this paragraph, the following tariffs shall not be considered rules tariffs:

(1) Tariffs containing exclusively rules and charges applying to terminal and other services and other matters covered by § 1310.15 (rule 15).

(2) Classification tariffs authorized by paragraph (a) of this section.

(3) Classification exceptions tariffs authorized by paragraph (c) of this section, provided they do not contain rules or other provisions authorized to be included by § 1310.17(c)(4) (rule 17).

(4) Rate basis books authorized by § 1310.18 (rule 18).

(5) Tariffs containing rules and regulations governing the acceptance and transportation of dangerous articles (hazardous materials).

(6) Substituted freight service directories authorized by § 1310.30 (rule 30).

(7) Tariffs confined to providing basis numbers (by intersection of headline and sideline points) for determination of class rates or column commodity rates in other tariffs.

(8) Tariffs authorized by § 1310.19 (rule 19) of this part listing carriers' operating authorities.

(9) Tariffs containing exclusively rules and practices governing the investigation and disposition of loss and damage claims.

(10) Distance guides authorized by § 1310.16 (rule 16).

(e) *Dangerous articles tariffs.* A separate tariff may be filed reproducing the regulations promulgated by the Department of Transportation governing the acceptance and transportation of dangerous articles (hazardous materials). The tariff shall be properly indexed and include necessary provisions for the application of the regulations. It may contain no other matter. An agent may refer to such a tariff published in the name of another agent.

(f) *Participation in governing publications.* All carriers parties to tariffs making reference to separate tariffs for classification classes or ratings, classification exceptions, rules, or other provisions affecting the rates or the services rendered, except such carriers as do indicate by restrictions in the referring tariffs that they will not apply the provisions of such referred to tariffs, shall also be participating carriers in such separate tariffs. The regulations in this paragraph do not require participation in local drayage tariffs or in tariffs containing provisions for terminal or special services local to the carrier in whose name the tariff is published. Rail and water carriers whose participation in the rate tariff is solely to provide substituted service at the motor carrier's option need not be parties to the tariffs governing the rate tariff except the governing tariff, if any, containing the provisions for such substitution. See § 1310.30 (rule 30).

(Sec. 310a, 5 U.S.C. 553, 558; 49 U.S.C. 5, 6, 12, 20, 318, 319, 904, 906, 1003.1005, 1013; sec. 12, 24 Stat. 383 as amended, secs 5, 6, 12, 24 Stat. 380 as amended, sec. 20, 24 Stat. 386 as amended; 49 Stat. 561, 563; 52 Stat. 1237 as amended; secs. 304, 306, 54 Stat. 933, 935; secs. 403, 405, 413, 56 Stat. 285, 287, 295; 80 Stat. 378)

[41 FR 30591, July 26, 1976, as amended at 42 FR 44240, Sept. 2, 1977; 43 FR 8553, Mar. 2, 1978]

§ 1310.18 Rate basis tariffs (rule 18).

(a) *Separate tariffs may be filed.* Instead of showing in the rate tariff the rate groups or bases to be used in determining rates between points named therein and the carriers serving such points, a separate rate basis tariff may be filed to serve this purpose. If it is not desired to include both grouping and carrier service in the same tariff, one for each purpose may be filed. No tariff may be governed by more than two rate basis tariffs (not including points of service tariffs), one for points of origin and one for points of destination. A rate tariff may not refer to another rate tariff for a list of points assigned rate groups or rate bases or for a list of carriers serving points.

(b) *Points and carriers to be listed.* All generally recognized points (cities, towns, townships, and other named state locations that have a precise meaning territorially) of sufficient size located within the territorial coverage of the tariff shall be listed. The points shall be arranged alphabetically within each state and the states arranged alphabetically, or the points shall be arranged alphabetically throughout the tariff. There shall be shown in direct connection with each point the complete names of all carriers serving the point pursuant to the regular-route portion of their operating authorities from this Commission. The complete names of all carriers serving the point pursuant to the irregular-route portion of their operating authorities from this Commission shall also be shown to the greatest extent practicable. The name of a carrier serving the point pursuant to both types of authorities shall be shown only once. Omission of the showing of a carrier as serving a point does not in itself render inapplicable a rate named from or to such point. Carrier name abbrevations or code designations may be used provided they are explained in the tariff in which used.

(c) *Rate groups or rate bases—arbitraries or differentials.* The applicable rate group or rate basis, or arbitraries or differentials to be added to or deducted from the group or base rates, shall be shown directly with each point, except that reference may there be made to an item or unit showing such information. Exceptions to the rate group or rate basis shall not be made in rate basis tariffs unless such exceptions apply to or from a considerable number of points or on a considerable number of commodities. When the arbitraries or differentials are governed by classification or other provisions other than those governing the base or group rate, reference to such classification provisions or other provisions shall be made directly in connection with the arbitraries or differentials.

(d) *General rules may not be included.* Rules or other provisions governing the application of rates determined by the use of a rate tariff and a rate basis tariff or providing application of groups, bases, or rates at intermediate points may not be published in a rate basis tariff.

(e) *May be combined with other tariffs.* A rate basis tariff may be combined with a "scope" tariff authorized by § 1310.19 and a points of service tariff may be combined with a participating carrier tariff authorized by § 1310.20 provided they are prepared in conformity with the regulations in this part, each category is shown in a separate section, and the requirements of this section are otherwise complied with.

§ 1310.19 Tariffs listing carriers' operating authority (rule 19).

(See § 1310.28 (rule 28) for provisions which may be filed on less than 30 days' notice.)

(a) *Separate tariffs may be filed.* (1) Separate tariffs (not rate tariffs) may be filed by carriers or agents defining clearly the carriers' authorized operations, both as to commodities and territories, insofar as they are pertinent to the application of the rates in the tariffs referring thereto and of the routes over which such rates apply. For purposes of this section, such a separate tariff shall be known as a "scope" tariff. The application of the rate tariffs referring to the scope tariff shall be restricted by a provision published in the scope tariff as follows:

> Rates and provisions for the account of carriers participating in tariffs governed by this tariff are limited in their application on interstate or foreign commerce to the extent of the carriers' operating rights set forth herein [if any tariff governed by the scope tariff refers to any other scope tariff, here show "and in" and identify the other scope tariff or tariffs by issuing carrier's or agent's name and ICC designation or refer to where such information is listed]. [If the scope tariff is issued in the name of a carrier, and all rates in tariffs referring thereto have local application only, the phrase "for the account of carriers participating" and the word "carriers' " shall not appear.] Unless otherwise specifically provided, the provisions are to be interpreted in the same manner as the Commission interprets the certificate from which the following is quoted, with respect to such as implied authority, commercial zones, tacking (of separate authorities), and diversion routes.

If the tariffs referring thereto name joint intermodal rates, the wording may be modified so as to confine the restriction to apply only to the extent the rates apply over the motor carriers.

(2) The limitation statements, reproducing a carrier's operating authority, should not be used as a substitute for the required description of commodities or territories in connection with the application of rates.

(b) *Reference to scope tariffs for one carrier.* A carrier publishing rates in a tariff of its own issue may refer to limiting scope of operating authority provisions in one other tariff only, which must be a scope tariff either of its own issue or an issue of its agent. A carrier publishing rates in a tariff of its agent's issue may refer therein to a separate scope tariff of that agent's issue, or refer therein to a scope tariff of another agent's issue in which the carrier is also a party, but not more than one separate issue may be referred to in any case. A carrier may not refer in its agent's issue to a tariff of its own issue or to one of another carrier. A carrier may not refer in its own issue to the issue of another carrier.

(c) *Agents' tariffs governed by more than one scope tariff.* A rate tariff filed in the name of an agent may refer to more than one scope tariff. When this is done, the list of participating carriers in the rate tariff or in the participating carrier tariff governing the rate tariff shall identify the tariff in which each carrier's operating authority is published. Such identification or reference to such identification shall be shown directly with the carrier's name. Each scope tariff which governs a rate tariff must be specifically referred to by that rate tariff.

(d) *Scope tariffs may be combined with participating carrier or rate basis tariffs.* A scope tariff may be combined with a participating carrier tariff or a rate basis tariff authorized by §§ 1310.20 and 1310.18, respectively, and prepared in conformity with the regulations in this part, provided the operating authorities are shown in a separate section and the requirements of this section are otherwise complied with.

(Sec. 310a, 5 U.S.C. 553, 558; 49 U.S.C. 5, 6, 12, 20, 318, 319, 904, 906, 1003, 1005, 1013; sec. 12, 24 Stat. 383 as amended, secs 5, 6, 12, 24 Stat. 380 as amended, sec. 20, 24 Stat. 386 as amended; 49 Stat. 561, 563; 52 Stat. 1237 as amended; secs. 304, 306, 54 Stat. 933, 935; secs. 403, 405, 413, 56 Stat. 285, 287, 295; 80 Stat. 378)

[41 FR 30591, July 26, 1976, as amended at 43 FR 8552, Mar. 2, 1978]

§ 1310.20 Participating carrier tariffs (rule 20).

(See § 1310.28 (rule 28) for provisions which may be filed on less than 30 days' notice.)

(a) *Separate tariffs may be filed by agents.* (1) An agent (not a carrier) or an agent jointly with not more than two other agents may file a tariff (not a rate tariff) listing the carriers participating in tariffs referring thereto provided there are at least ten participants and five governed tariffs. The title page must state it is applicable only as to tariffs which specifically refer to it.

(2) The tariff shall include rules and other provisions necessary to provide application thereof, but not rate restrictions, application of rates, or similar provisions which properly belong in rate tariffs or other tariffs. Exception: It may provide that the carriers participate in the governed tariffs only for local hauls or for joint hauls.

(b) *List of carriers.* (1) The list of participating carriers shall be constructed in the manner required of other tariffs—See § 1310.6(e) (Rule 6). Carrier numbers, abbreviations and/or code designations may be shown in connection with the names of the carriers. (See § 1310.21(d) (Rule 21) as to tariffs of joint agents.)

(2) In connection with each participating carrier, the participating carrier tariff itself and the governed tariffs in which it participates (by agent's tariff number) shall be shown. Exception: the participation of all carriers in the participating carrier tariff itself may be established by a statement, instead of listing the tariff number each time.

(3) In all cases reference shall be made to an item, unit, section, or page containing an explanation of such tariff numbers (see paragraph (c) of this section).

(c) *List of tariffs.* (1) A participating carrier tariff issued by one agent only shall separately list all the tariffs, including those which contain their own list of participating carriers, published and filed in the name of that agent. If there are tariffs issued by the agent jointly with another agent the tariff must list all of such tariffs. If such joint agents' tariffs are to be governed by the participating carrier tariff of the agent, the participating carrier tariff must be a joint issue with that other agent, showing itself as the principal agent (see § 1310.21 (rule 21)—Tariffs of Joint Agents), but need not enumerate therein tariffs issued solely by that other agent. The tariffs shall be arranged in numerical sequence and show the ICC designation of each. The list must be correct and current at all times. The tariffs which contain their own list of participating carriers must be identified and described.

(2) Each tariff listed or referred to in the participating carrier tariff shall be described in a manner sufficient and indicative enough to enable the determination of the general application of the tariff without specifically reviewing such tariff.

(d) *Cancellation of participating carrier.* When a carrier is canceled from the list of participating carriers in a participating carrier tariff or is shown in such tariff as eliminated from a tariff governed thereby, unless the cancellation is in connection with the publication of a complete adoption of the rates of such carrier by another (see paragraph (f) of this section and § 1310.25 (rule 25)—Transfer of Operations; Changes in Name and Control) reference must be made in connection with such cancellation to an item reading substantially as follows:

> (Applies only when reference is made hereto) When this tariff provides that a carrier's participation in this tariff or in one or more of the tariffs governed hereby is canceled, the provisions of the tariff or tariffs from which the carrier's participation is shown as canceled do not apply for the account of such canceled carrier after such cancellation becomes effective (unless and until specifically reinstated), notwithstanding some of the provisions of such tariffs may still be shown as applying for such canceled carrier, not having been specifically canceled by publication therein.

If the tariff is in bound form, the canceled carrier's name together with the reference must be carried forward as reissued matter in the alphabetical list of participating carriers and not dropped. If the tariff is in loose-leaf form, the carrier's name and the reference shall be republished on successive issues of the list and the page, indicating when cancellation was first made effective, until all provisions referring to such carrier have been amended to omit the carrier, after which the cancellation listing may be omitted (see § 1310.10(d)(15) for requirements for the use of reference marks in connection with reissued matter). Some type of cancellation provision in the participating carrier tariff must, however, be carried forward into the reissue if the canceled carrier's name still appears in any effective provisions in any tariffs governed by the participating carrier tariff at time of reissue to make clear that such provisions have no application.

(e) *Reinstatement of participating carrier.* When a carrier, which was canceled from the list of participating carriers in a participating carrier tariff or was shown in such tariff as eliminated from a tariff governed thereby, is reinstated, reference must be made in connection with such reinstatement to an item reading substantially as follows:

> REINSTATEMENT OF PARTICIPATION
>
> (Applies only when reference is made hereto)
>
> The participation of the carrier whose listing refers hereto was canceled and was or will be subsequently reinstated on the dates as indicated in the tariff. In the interim period the tariffs do not apply, but upon reinstatement all provisions not specifically eliminated by publication or republication again applied or will apply upon the effective date of the reinstatement.

The reference must continue to be shown with the reinstated carrier's name in the alphabetical list of participating carriers until the participating carrier tariff is reissued.

(f) *Adoptions.* (1) When one carrier adopts the rates, tariffs, etc., of another carrier in full or in part (see § 1310.25 (rule 25)), such adoption must be announced in the participating carrier tariff substantially as follows:

> The carrier shown in Column 2 below, by its adoption notice referred to in Column 3 below, having taken over tariffs, powers of attorney, and other instruments and filings of the carrier shown in Column 1 below, the carrier shown in Column 2 below is hereby substituted for the carrier shown in Column 1 below wherever it appears in this tariff and in tariffs governed hereby, except that where adoption is in part the substitution is only to the extent indicated:

Col. 1—old carrier	Col. 2—new carrier	Col. 3—adoption notice	
		ICC designation	Effective date
(Here list the adoption notices, and when adopted in part, the part adopted must be shown.)			

(2) If the adoption is in full, the former (old) carrier must be canceled from the list of participating carriers. If the old carrier is adopted in part only and the agent continues to publish all or some of its remaining rates, it must not be canceled from the tariff. In either event the listing of the old carrier whether continued or canceled should bear reference to the announcement of the adoption. Such cancellation and reference to the adoption must be continued in the participating carrier tariff until such tariff is reissued, but the announcement of the adoption must be carried forward from one participating carrier tariff into the reissues thereof until the adopted carrier's name no longer appears in any item, rule, or other provision in any of the tariffs governed by the participating carrier tariff. No other information (except where the adoption is partial) may be shown in connection with the adopted carrier.

(g) *Participating carrier tariff may include other provisions.* A participating carrier tariff may be combined with a routing guide, points of service tariff, and/or a "scope" (statements of carriers' operating authorities) tariff authorized by §§ 1310.8(b), 1310.18(a), and 1310.19, respectively, and prepared in conformity with the regulations in this part provided each category is shown in a separate section and the requirements of this paragraph are otherwise complied with.

(Sec. 310a, 5 U.S.C. 553, 558; 49 U.S.C. 5, 6, 12, 20, 318, 319, 904, 906, 1003, 1005, 1013; sec. 12, 24 Stat. 383 as amended, secs 5, 6, 12, 24 Stat. 380 as amended, sec. 20, 24 Stat. 386 as amended; 49 Stat. 561, 563; 52 Stat. 1237 as amended; secs. 304, 306, 54 Stat. 933, 935;

secs. 403, 405, 413, 56 Stat. 285, 287, 295; 80 Stat. 378)

[41 FR 30591, July 26, 1976, as amended at 43 FR 8553, Mar. 2, 1978]

§ 1310.21 Tariffs of joint agents (rule 21).

(a) *May be filed.* An agent for certain carriers may join with not more than two other agents for other carriers in the issuance of tariffs. This may be done without each of such agents having powers of attorney from all of the carriers parties to the tariff as required by § 1310.6(e) (rule 6), provided each carrier is shown as participating under authority issued to one of such agents. In such cases, each agent acts for the carriers that have given it powers of attorney or have given concurrences to the carriers issuing powers of attorney and for such lines only.

(b) *Title pages and loose-leaf pages.* The title page of each tariff and supplement, and each loose-leaf page shall bear the name of each agent joining therein, bear a separate ICC designation in the series of each agent, and show at the bottom the name and title of each issuing party and the complete street and mailing address of each agent, including the postal service ZIP Code number. The words "Issued by" shall be shown first followed by the name of the principal agent primarily responsible for issuing the publication. The words "jointly with" shall be shown next followed by the names of the other agents joining therein. The pages (title or loose-leaf) shall be prepared in such a manner that it will be clear as to the agent for which each ICC (or MF-ICC) number and each address applies and for which agent each issuing officer (if different from the name of the agent) is acting. In all other respects, such pages (title or loose-leaf) shall be constructed in accordance with the regulations in this part.

(c) *Publications must be identical and filed under one cover.* Each of the agents shall file each and every tariff publication for and on behalf of the carriers for which it is agent, as if the publication were its individual publication on behalf of those carriers alone. The tariff filed by one agent is not a complete publication properly authorized by all carriers named therein. It is a complement of the tariff filed by each agent. Therefore, identical copies of each tariff and of each supplement or loose-leaf page amendment thereto must be filed by each agent. As each agent will file the tariff for the carriers which it lawfully represents, the cross exchange of concurrences between all of the different carriers represented by each agent will not be necessary as to that tariff. In order to avoid complications, all copies of each publication shall be transmitted under one cover (see § 1310.1(c) (rule 1) as to letters of transmittals). A tariff issued by an agent or jointly by two agents shall not be amended to show an additional agent as participating in the issuance thereof except upon reissue of the tariff; nor shall a tariff issued by joint agents be converted into one issued by a lesser number of agents except by reissue (see § 1310.27(l)(6) for exception). In either event, the old tariff shall be canceled only by a supplement issued thereto (see § 1310.11 (a)(8) (rule 11)).

(d) *List of participating carriers.* Each tariff issued by two or there agents jointly shall show one complete alphabetical list of participating carriers constructed in the manner required in § 1310.6(e) (rule 6) indicating as to each agent the power of attorney (or concurrence) conferring authority to such agent. The list shall indicate the carriers that participate under concurrences to any of the carriers for which one of the agents acts, by showing the form and number of such concurrences together with reference to the carriers to whom the concurrences were given. If the same agents have jointly issued a participating carrier tariff, this information shall be shown therein (see § 1310.20 (rule 20)).

(Sec. 310a, 5 U.S.C. 553, 558; 49 U.S.C. 5, 6, 12, 20, 318, 319, 904, 906, 1003, 1005, 1013; sec. 12, 24 Stat. 383 as amended, secs 5, 6, 12, 24 Stat. 380 as amended, sec. 20, 24 Stat. 386 as amended; 49 Stat. 561, 563; 52 Stat. 1237 as amended; secs. 304, 306, 54 Stat. 933, 935; secs. 403, 405, 513, 56 Stat. 285, 287, 295; 80 Stat. 378)

[41 FR 30591, July 26, 1976, as amended at 43 FR 8552, Mar. 2, 1978]

§ 1310.22 Seasonal motor-water rates (rule 22).

(a) *Tariffs may provide for restoration or discontinuance of service.* Tariffs containing joint motor-water rates applicable over routes upon which it is necessary to close navigation during a portion of each year shall provide for the restoration and discontinuance of service over such routes in the manner prescribed in paragraphs (b) through (f) of this section.

(b) *Notation required on title page.* The following notation shall appear on the title page of the tariff:

"Transportation service in connection with [here insert name of water carrier or carriers named in the tariff] is subject to restoration and discontinuance as indicated on page —.

(c) *When definite dates of service cannot be determined.* When definite dates for restoration and discontinuance of transportation service for each season of navigation cannot be determined, the following rule shall be published in the tariff under the heading of "Application of Rates":

Shipments will be accepted by carriers parties to this tariff during the period from [here show date approximately thirty days prior to the first sailing from port of transshipment] to [here insert date which will allow sufficient time for shipment to reach the port of transshipment prior to the last sailing] of each year, for transportation on the vessels of the [here insert name of water carrier or carriers named in the tariff]. Shipments will also be accepted from the latter date until the date announced by supplements to this tariff subject to the conditions that all freight left on hand at the port of transshipment after the closing of navigation for lack of space on vessels sailing after the arrival of such freight, and all freight reaching the port of transshipment after the last sailing of each season of navigation, will be forwarded over all-motor routes and be subject to the tariff rates applicable over such all-motor routes in effect on date of shipment from the point of origin of the shipment. In such cases shipping receipts and bills of lading shall bear notation to that effect. Supplements announcing the final date upon which shipments will be accepted for transportation under this tariff and effective supplements thereto will be filed with the Interstate Commerce Commission and posted at points where required not less than one day in advance of such date.

(d) *When definite dates of service can be determined.* When definite dates for restoration and discontinuance of transportation service for each season of navigation can be determined, the following rule shall be published in the tariff under the heading of "Application of Rates":

Shipments will be accepted by carriers parties to this tariff during the period from [here show date approximately thirty days prior to the first sailing from port of transshipment] to [here show date which will allow sufficient time for shipment to reach the port of transshipment prior to the last sailing] of each year, for transportation on the vessels of the [here insert name of water carrier or carriers named in the tariff]. Shipments will also be accepted from the latter date until [here insert final date upon which shipments will be accepted for transportation under the tariff and effective supplements thereto], subject to the condition that all freight left on hand at the port of transshipment after the closing of navigation for lack of space on vessels sailing after the arrival of such freight, and all freight reaching the port of transshipment after the last sailing of each season of navigation, will be forwarded over all-motor routes and be subject to the tariff rates applicable over such all-motor routes in effect on date of shipment from the point of origin of the shipment. In such cases shipping receipts and bills of lading shall bear notation to that effect. No supplement will be issued to this tariff announcing the date of discontinuance of transportation service.

(e) *Supplements announcing discontinuance of service.* Supplements announcing discontinuance of transportation service under paragraph (c) of this section may be filed to a bound or loose-leaf tariff on not less than one day's notice. Only one such supplement may be in effect at any time. Such supplement may not contain any other matter and may be issued without regard to the supplemental limits of this part.

(f) *Tariffs may be reissued.* Tariffs containing joint motor-water rates may be reissued or amended at any time in the regular manner, but tariffs containing the rule prescribed by paragraph (c) of this section which are made effective subsequent to the date of actual discontinuance of service shall contain a statement that service was discontinued on ———— as per supplement No. —— to [here show

ICC designation of former tariff] and that a further supplement announcing discontinuance of service for that season will not be filed.

(Sec. 310a, 5 U.S.C. 553, 558; 49 U.S.C. 5, 6, 12, 20, 318, 319, 904, 906, 1003, 1005, 1013; sec. 12, 24 Stat. 383 as amended, secs. 5, 6, 12, 24 Stat. 380 as amended, sec. 20, 24 Stat. 386 as amended; 49 Stat. 561, 563, 52 Stat 1237 as amended; secs. 304, 306, 54 Stat. 933, 935; secs. 403, 405, 413, 56 Stat. 285, 287, 295; 80 Stat. 378)

[41 FR 30591, July 26, 1976, as amended at 43 FR 8553, Mar. 2, 1978]

§ 1310.23 Rates prescribed by Commission (rule 23).

Rates and other tariff provisions prescribed by the Commission in its decisions and orders in formal cases shall be promulgated by the carriers or agents to which such orders are issued in duly published, filed, and posted tariffs, loose-leaf pages, or supplements, and notice shall be furnished the Commission that its decision or order has been complied with. The notice shall refer to the docket number (when possible, the volume and page number of the report of the Interstate Commerce Commission, if printed, should also be shown) and shall identify the number of the item, page, supplement, and/or tariff where the complying rates are published. Unless otherwise specified in the decision or order in the case, the prescribed rates or other provisions shall be made effective upon not less than 30 days' notice. The tariff publication shall refer to the order or decision in the manner required by the regulations in this part.

§ 1310.24 Tariff indexes (rule 24).

(a) *Must be filed by most carriers—information required.* (1) Each motor carrier (see exception in the last sentence of this paragraph) shall publish, file, and post as a tariff, under an ICC designation and in its own name, a complete index of all effective and all published but not yet effective tariffs to which it is a party (including those published in its own name). If a carrier participates in a rate tariff published in the name of an agent who publishes a participating carrier tariff, the carrier need not list in the index any tariff covered by the participating carrier tariff. In this event, the index shall state that the carrier participates in tariffs published in the name of the agent (identifying the agent) and shall refer to the agent's participating carrier tariff. Any general restriction (for example "Joint Rates only") affecting the carrier in connection with the agent's tariffs shall also be shown. If a carrier participates in any tariff of an agent not governed by a participating carrier tariff the index must list that tariff. A class III carrier need not comply with this paragraph if it does not participate in any rate tariff of an agent.

(2) The index shall show as to each tariff listed therein (i) the ICC designation; (ii) the carrier's or agent's tariff number, if any; (iii) the name of the carrier or agent in whose name the tariff is published; (iv) the type of tariff (such as classification, class rate, specific commodity rate, rules, etc.); (v) a description of the articles, if any, on which the tariff applies (such as general commodities, all-freight, iron or steel articles, etc.); and (vi) the actual or general territorial application, if any, of the provisions in the tariff applying for the account of the carrier in brief but reasonably complete form. Any general restriction in a tariff pertaining to the carrier (such as "joint rates only") shall be shown. In no case may the description of the application of referred to tariffs represent less than the actual application.

(b) *Arrangement.* The tariffs shall be listed under appropriate headings in the following order: specific commodity tariffs, general commodity tariffs, combined class and commodity tariffs, class tariffs, and governing tariffs. Specific commodity tariffs shall be entered alphabetically under the names of commodities or principal commodities. Tariffs applying to different kinds of the same commodity shall be grouped together—for example, "Lumber, hardwood," "lumber, yellow pine," etc. Governing tariffs shall be entered alphabetically by the type of governing tariff. In addition, all tariffs appearing within a group or grouped together under a specific heading shall be listed in an orderly manner.

(c) *Supplements or loose-leaf page amendments to tariffs listed in the index.* Supplements or loose-leaf page amendments to tariffs should not be referred to in indexes. Where supplements or loose-leaf pages have the effect of changing the application of the original tariff, the description of such tariff in the index shall be revised accordingly.

(d) *Revisions, supplements, and loose-leaf pages.* The information in the index must be maintained in a current condition, and amended concurrently with changes in tariffs. Each supplement shall bear on the title page the following notation:

> Supplement (or supplements) [here show the number or the numbers of the supplements containing changes from the original index] contains (contain) all changes from original index which are in effect on the issue date hereof;

to which may be added

> or which have been filed to become effective at a later date as shown herein.

Supplements (not loose-leaf page amendments) may be issued without regard to the volume limitations imposed on supplements by this part, but not more than three supplements may be in effect at any time.

(e) *Notation on title page.* Each index must bear on its title page the following notation:

> This index contains a list of tariffs in effect on [here show date of issue of index];

to which may be added

> or which have been filed to become effective at a later date as shown herein.

(f) *Issued date but no effective date.* The title page of each index and of each supplement or loose-leaf page amendment thereto shall bear an issue date but not an effective date. The date of issue shall not be one prior to the date filed with the Commission.

(Sec. 310a, 5 U.S.C. 553, 558; 49 U.S.C. 5, 6, 12, 20, 318, 319, 904, 906, 1003, 1005, 1013; sec. 12, 24 Stat. 383 as amended, secs. 5, 6, 12, 24 Stat. 380 as amended, sec. 20, 24 Stat. 386 as amended; 49 Stat. 561, 563, 52 Stat 1237 as amended; secs. 304, 306, 54 Stat. 933, 935; secs. 403, 405, 413, 56 Stat. 285, 287, 295; 80 Stat. 378)

[41 FR 30591, July 26, 1976, as amended at 43 FR 8552, Mar. 2, 1978]

§ 1310.25 Transfer of operations—change in name and control (rule 25).

(a) *Different situations.* The construction and filing of tariff publications, powers of attorney, and concurrences when the name of a carrier is lawfully changed or the operating control of a carrier's properties is lawfully transferred to another party involve many different kinds of situations each of which requires different procedures to be followed. Below are listed for convenience different situations and references to appropriate paragraphs in this section containing regulations.

(1) For publications required to record new ownership of effective tariffs, etc.—see paragraph (b).

(2) When old carrier has no tariff provisions or other instruments or filings—see paragraph (c).

(3) When old carrier has no tariffs of its own (or predecessor's) issue to be adopted, but has rates elsewhere and/or has instruments to be adopted—see paragraphs (d) and (e).

(4) For single form of adoption notice—see paragraphs (e) and (d).

(5) When old carrier has one or more tariffs of its own (or predecessor's) issue to be adopted—see paragraphs (f) and (g).

(6) For form of combined adoption notice and adoption supplement—see paragraphs (g) and (f).

(7) For series of ICC designations to use on adoption notices and new tariffs—see paragraph (h).

(8) For effective date to show on adoption publication—see paragraph (i).

(9) For period after which adopted tariff may not be further amended—see paragraph (j).

(10) When carrier adopts back tariffs it had itself originally issued—see paragraph (k).

(11) When a carrier assumes only temporary operating control of another carrier's properties—see paragraph (l).

(12) When fiduciaries (receiver, trustee, etc.) are involved—see paragraph (n).

(13) When concurrences or powers of attorney have been adopted—see paragraph (o).

(14) When provisions published in tariffs issued by other carriers or by agents have been adopted—see paragraph (p).

(15) When later amending or canceling the adopted (in whole or part) tariffs—see paragraphs (q), (r), (s), (t), and (u).

(16) Tariffs (not agency) adopted in part must be subsequently adjusted by the new carrier—the reservation of supplement numbers therefor—see paragraph (s).

(b) *Requirement for recording new ownership of effective tariffs, etc.* When, under authority of an order of the Commission, the name of a carrier is lawfully changed or the operating control of a carrier's properties is lawfully transferred in whole or in part to another party or, under authority of an order of a court of law, a fiduciary (see paragraph (n) of this section) assumes possession and operating control of a carrier's properties (all hereinafter referred to as an adoption), an adoption notice is the vehicle required by this Commission for recording the new ownership of effective tariffs, tariff provisions, concurrences, powers of attorney, and other instruments and filings. An adoption supplement to a tariff is the vehicle required by this Commission to reflect the adoption notice insofar as it pertains to that tariff. The supplement also acts as a notification to the user that the ownership of the tariff has or tariff provisions therein have been transferred, or will be, and when and to what party. When a tariff of the old carrier's own issue or provisions published for its account in other tariffs are adopted in part, the tariff provisions continue to be applicable on shipments, without further tariff action being necessary, over joint routes over the carriers via points common to both carriers, if necessary to such application, until the tariff provisions are specifically canceled or they expire by their own terms. For purpose of this section, "old carrier" refers to the carrier (including any fiduciary) whose operating authority is being transferred to a new name or another party in whole or in part, and "new carrier" refers to the new name or party (including any fiduciary) to which the operating authority is being transferred in whole or in part.

(c) *If old carrier has no tariff provisions or other instruments.* If the old carrier has no effective tariffs, tariff provisions, concurrences, or powers of attorney to be adopted, no adoption notice shall be filed. In this event, the new carrier shall immediately, but on lawful notice, provide for publication of rates and provisions to cover the operating authorities involved in the transfer.

(d) *When only adoption notice is required.* When the old carrier has no effective tariffs of its own (or predecessor's) issue that are to be adopted but has one or more of the following categories of filings that are involved in the adoption, the new carrier shall file and post in its own name an individual adoption notice in the form of a tariff as set forth in paragraph (e) of this section.

(1) Tariffs of an agent in which old carrier participates.

(2) Tariffs of another carrier in which old carrier participates.

(3) Powers of attorney.

(4) Concurrences.

(5) Any other instruments or filings filed with the Commission.

(e) *Form for adoption notice.* If the circumstances are as recited in paragraph (d) of this section, and the adoption is in whole, the adoption notice shall be prepared in substantially the following form (numbers and names used only for illustration purposes):

ICC ABCD 100

JOHN DOE TRANSPORT, INC.

ADOPTION NOTICE

The above-named carrier hereby adopts, ratifies, and makes its own, in every respect, as if the same had been originally filed and posted by it, all tariffs, classifications, rules, notices, traffic agreements, statements of divisions, powers of attorney, concurrences, or other instruments or filings whatsoever, including supplements or amendments thereto, filed with the Interstate Commerce Commission by, or heretofore adopted by Richard Roe, doing business as Roe's Trucking prior to the effective date shown below. Issued: [show date prepared.] Effective: [show date.] (Issued under authority of Rule 25 of Tariff Circular No. MF 5 and order in ICC Docket No. MC-FC-00000—Transfer)

Issued by
William P. Doe, Traffic Manager,
1111 A Street,
Any town, Your state 00000.

When, in the same circumstances, the adoption is in part, the notice shall read the same except the statement "insofar as said instruments and filings apply to or in connection with" shall be added at the end of the notice followed by a statement of the operating authority transferred or a reference to the number or numbers of the page or pages of the adoption notice where this information is shown.

(f) *When combined adoption notice and adoption supplement is required.* Where the old carrier has even one effective tariff (not an adoption notice) of its own (or predecessor's) issue that is involved in the adoption, regardless of whether the adoption is in whole or in part the new carrier must file and post in its own name a combination publication which shall serve as both the adoption notice and the adoption supplement or supplements (see paragraph (s) of this section as to the new carrier amending the old carrier's tariffs when the adoption is in part). The publication shall be prepared as set forth in paragraph (g) of this section. Two copies plus two additional copies for each tariff supplemented shall be filed.

(g) *Form for combined adoption notice and adoption supplement.* (1) If the circumstances are as recited in paragraph (f) of this section, and the adoption is in whole, the combined publication shall be prepared in substantially the following form (designations, numbers and names for illustration only):

JOHN DOE TRANSPORT, INC.

Adoption Notice Tariff . . . ICC ABCD 100

Adoption Supplement 8 to . . . MF-ICC 11*

Adoption Supplement 7 to . . . MF-ICC 27*

Adoption Supplement 3 to . . . ICC 4*

The above-named carrier hereby adopts, ratifies, and makes its own, in every respect, as if the same had been originally filed and posted by it, all tariffs, classifications, rules, notices, traffic agreements, statements of divisions, powers of attorney, concurrences, or other instruments or filings whatsoever, including supplements or amendments thereto, filed with the Interstate Commerce Commission by, or heretofore adopted by Richard Roe, doing business as Roe's Trucking prior to the effective date shown below.

Effective with the effective date shown below, each tariff, or as amended, to which this is a supplement became the tariff of John Doe Transport, Inc. as stated in its adoption notice shown next above.

Issued: [show date prepared.] Effective: [show date.] (Issued under authority of Rule 25 of Tariff Circular No. MF 5 and order in ICC Docket No. MC-FC-00000—Transfer)

Issued by
William P. Doe, Traffic Manager, 1111 A Street, Any town, Your state 00000.

When, in the same circumstances, the adoption is in part, the adoption notice shall read the same except (i) the statement "insofar as said instruments and filings apply to or in connection with" shall be added at the end of the first paragraph of the combined notice followed by a statement of the operating authority transferred or a reference to the number or numbers of the page or pages of the adoption publication where this information is shown and (ii) added at the end of the second paragraph of the combined notice shall be the statement "but only to the extent indicated" and the statements "This does not have any effect of canceling rates, charges and other provisions. All published rates, charges and other provisions shall continue to apply until specifically canceled or they expire by their own terms."

(2) Each adoption supplement shall be assigned the next unused supplement number to the particular tariff supplemented. If the tariff involved in an adoption is one that is adopted in part only, the old carrier shall reserve (and not use) two unused supplement numbers for the sole use of each new carrier for adoption and cancellation purposes. The adoption supplement issued by the new carrier shall use one of these numbers for the issuance by it of the partial adoption supplement (and later the other for cancellation and transfer of the adopted provisions

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*(Richard Roe, doing business as Roe's Trucking, series).

to other tariffs). See paragraph (s) of this section.

(h) *Series of ICC designations to use on adoption notices and new tariffs.* Except as otherwise provided in this paragraph as to appointments of fiduciaries (see paragraph (n) of this section), the ICC designation assigned to an adoption notice shall be in the designation series of the old carrier. If the ICC consecutive numbering system is used, the designation assigned shall be the next consecutive unused number in the series of the new carrier (if new carrier is not a fiduciary) or series of the old carrier (if new carrier is a fiduciary). In the event the designation (regardless of whether consecutive or standard) is in the old carrier's series, the designation shall be identified by naming the carrier followed by "Series."

(i) *Effective date on adoption publication.* An adoption notice or combined adoption notice and adoption supplement shall be published, filed, and posted promptly and if possible on or before the effective date shown thereon. Copies shall be sent to each agent and carrier to which power of attorney or concurrence being adopted has been given by the old carrier. The effective date shall be the date (as shown in the body of the notice) on which the adoption occurs. If prior approval by this Commission is required for the transfer of operating authority to the new name the effective date shown shall not antedate the effective date of that approval.

(j) *Adopted tariff may not be amended after one or two years.* The transfer of the old carrier's tariffs and tariff provisions is intended to be only a temporary expedient so that operations may be continued without interruption or commenced without delay. It is not intended to be a permanent solution or even one of other than short duration. The new carrier, after adopting a tariff in its entirety, has a duty to promptly establish rates and related provisions to cover in tariffs of its own issue or in tariffs published for its account, and to cancel the adopted tariff. A tariff of the old carrier's (or predecessor's) issue which has been adopted, whether in whole or in part, may not be amended by any publication filed after one year's time from the effective date of the adoption if the tariff less than 100 pages and after two years' time if it contains 100 pages or more except

(1) To cancel in whole or in part;

(2) To announce a suspension;

(3) To postpone or further postpone suspended matter;

(4) To announce another adoption;

(5) To initially comply with an order of the Commission (but not continuing compliance as to a continuing order); or

(6) To cancel rates or other provisions adopted by the new carrier.

This paragraph does not apply where the adoption (i) was one to effect temporary operating control pursuant to section 210a(b) of the Act, (ii) was to cover appointment of a fiduciary (see paragraph (n) of this section), or (iii) was one where the old carrier reassumed control of the operation.

(k) *When name of old carrier need not be shown.* When a carrier adopts back tariffs which it had issued (and which had been adopted) there is no need, when adopting, amending, or reissuing them, to identify those tariffs as being in its own series.

(l) *Temporary control.* If the temporary authority issued to a party to assume operating control of the old carrier under section 210a(b) of the Act is not made permanent, the old carrier must file an adoption notice reassuming control of the operations and otherwise comply with all the provisions of this section. The effective date to be shown on the adoption notice and adoption supplements is the date on which the temporary authority for the new carrier to operate the properties of the old carrier expires or is vacated.

(m) *Adoption publications to contain no other matter.* No adoption notice or combined adoption notice and adoption supplement may contain any matter other than that authorized by the provisions of this section.

(n) *Fiduciaries.* When the appointment of a fiduciary (receiver, trustee, executor, administrator, assignee, etc.) is approved or directed by a court of law and such person assumes possession and operating control of a carrier's properties, the name of the new carrier to be shown on all tariff publications and all instruments shall consist of the name of the old carrier, followed by the name of the fiduciary and his capacity (see the requirements of § 1132.6 of this title—Operations by Fiduciaries). When such possession and operating control are terminated, the party taking over the properties shall in turn comply with the regulations in this section.

(o) *Concurrences and powers of attorney.* (1) When the adoption is in whole, the new carrier takes over the effective concurrences and powers of attorney the old carrier has on file, and the authority given therein by the old carrier continues as authority given by the new carrier until replaced by new instruments or revoked or canceled. However, the new carrier has a positive duty to dispose of them promptly, and in any case must replace and cancel (or revoke) them within 120 days of the effective date of the adoption publications (see next following for exceptions). The instruments need not be replaced and canceled, or revoked, if they are taken over.

(i) By a court appointed fiduciary;

(ii) In the case case of temporary operating control of all of a carrier's properties (under authority of section 210a (b) of the Act) being exercised; or

(iii) By the carrier that originally issued them following termination of temporary operating control by another.

When an instrument is canceled, the cancellation notice shall identify the name of the carrier having originally issued the instrument.

(2) When the adoption is in part, the authority given in an involved concurrence or power of attorney by the old carrier also serves to establish, for a maximum period of 60 days from date of filing of the adoption notice with the Commission (following which the authority is inoperative), authority from the new carrier until the new carrier issues a new instrument (unless in the meantime the old carrier has canceled or revoked it). This is intended to continue the authority for only the shortest period of time necessary for the new carrier to execute and file a new instrument. Therefore, the new carrier must file the new instrument at the same time it files the adoption publications (see next following sentence for exception) if it wishes to continue to give in part or in whole the authority established by the old instrument. The new carrier shall not issue any instrument granting authority which will duplicate or conflict with the authority granted by any instrument previously issued by it.

(3) The number series of any new instrument shall be that of the new carrier, except that it shall be that of the old carrier where temporary operating control of all the properties of the old carrier (under authority of section 210a(b) of the Act) is being exercised or where control is exercised by a fiduciary.

(p) *Tariffs issued by other carriers or by agents.* (1) Where a tariff (not a participating carrier tariff) is an issue of another carrier or of an agent, has its own participating carrier list, and lists the old carrier being adopted in whole as a participant, such tariff must be amended on lawful notice to reflect the change. The old carrier's name shall be brought forward and shown as canceled. In direct connection with the cancellation shall be shown a reference to a statement in the tariff providing for the substitution of the new for the old. The latter statement referred to shall read substantially as follows:

> [Here show new carrier's name] by its adoption notice, [here show ICC designation], which became effective on ———— , having taken over the tariffs, etc., of [here show old carrier's name], [here show new carrier's name] is hereby substituted for [here show old carrier's name] wherever it appears in this tariff.

(2) In the same circumstances set forth in paragraph (p)(1) of this section but where the adoption is in part only, each tariff involved in the adoption shall be amended to add to the list of participating carriers the name of the new carrier and to incorporate necessary changes. The old carrier's name may not be canceled from the list until such time that the tariff no longer contains provisions applicable for the account of that carrier. In

direct connection with the name of the old carrier shall be shown a reference to a statement in the tariff providing for the substitution of the new for the old. The latter statement referred to shall read substantially as follows:

> [Here show new carrier's name] by its adoption notice [here show ICC designation], having taken over tariffs, etc., of [here show old carrier's name] insofar as they contain rates, charges, rules, or other provisions applying [here describe the operations transferred], [here show new carrier's name] is hereby substituted for [here show old carrier's name] wherever the latter appears in this tariff in connection with said points, routes, or territories.

(3) Where a participating carrier tariff lists the old carrier being adopted in whole or in part as a participant in a tariff involved in the adoption, the participating carrier tariff shall be amended to reflect the change in the manner set forth in § 1310.20 (rule 20).

(q) *Tariffs involved in part shall be amended.* Rates, rules, and other provisions (in adopted-in-part tariffs of old carrier) applying locally between points on the transferred portion shall be transferred as quickly as possible to tariffs of or published for account of the new carrier. Such rates, rules, and other provisions shall be canceled from the old carrier's tariffs on lawful notice and reference made to the new carrier's tariffs or other locations for provisions to apply thereafter. To effect the cancellation, the items, units, or loose-leaf pages containing the provisions shall not be reissued. Instead, the cancellation must be by statement to the effect that all provisions adopted by the new carrier (show name of new carrier) are canceled. The statement shall specifically identify the material canceled (numbers of the items, units, tables, sections, pages, etc., or portions thereof). The statement shall be published in a special supplement (regardless of whether the tariff is in bound or loose-leaf form), which must be permitted to remain in effect for the life of the tariff. The supplement shall be exempt from the supplemental limit provisions of this part. The new carrier shall file, or have filed for its account, corresponding or different rates, rules, or other provisions on lawful notice to become effective upon the same date as the cancellation from the old carrier's tariff.

(r) *Junction point.* If, after the partial adoption of a tariff or tariff provisions, any point named therein will be served both by the old carrier and by the new carrier, a statement shall be shown in connection with the name of that point reading substantially as follows:

> This adoption notice does not have the effect of eliminating [here show name of point] as a point served by [here show old carrier's name], but has the effect of establishing service at said point by [here show new carrier's name].

(s) *New carrier may amend tariff adopted in part—reserved supplement numbers for new carrier's use.* If a tariff issued by the old carrier or its predecessor is adopted in part, in addition to filing the combined adoption notice and adoption supplement the new carrier may file another supplement to that tariff (bound or loose-leaf) for the purpose of cancelling therefrom all rates, routes, rules, or other provisions that belong to it by virtue of the adoption. Two unused supplement numbers to such a tariff shall be reserved for each new carrier's use. One of the numbers shall be used as the "adoption supplement number" in connection with the listing of the tariff on the combined adoption notice and adoption supplement. The other shall be used on the cancellation supplement. The Commission shall inform the parties as to the supplement numbers that shall be reserved and used. The old carrier may not use the reserved numbers under any circumstances nor may it cancel the tariff provisions adopted by the new carrier. If the new carrier fails to cancel its adopted provisions within 120 days from the adoption effective date, the old carrier (or successor, if the remaining part had in turn been adopted) may apply for special tariff authority to cancel. The old carrier may, however, cancel the entire tariff at any time. Both carriers should inform one another fully of their respective actions.

(t) *Subsequent supplements or loose-leaf pages.* A subsequent supplement or loose-leaf page amendment to an adopted tariff issued by the old carrier or its predecessor shall show in connection with the ICC designation the name of the carrier in whose ICC designation series the tariff was issued (see paragraph (k) of this section for exception). Each supplement or page shall be filed by the new carrier if the tariff was adopted in whole. If the tariff was adopted in part, except as otherwise provided in paragraph (s) of this section supplements or loose-leaf pages shall be filed by the old carrier. Subsequent supplements shall be numbered consecutively beginning with the number following that of the adoption supplement.

(u) *Former tariff must be described when canceled.* The new carrier, when canceling any tariff issued or adopted by the old carrier, shall identify such tariff in the cancellation notice by reference to its ICC designation and to the name of the carrier that issued it, and, when tariffs have been published by the old carrier in more than one series, by reference to the particular series in which the tariff was published.

(v) *Adoption notice not to be canceled.* Unless requested by this Commission, and adoption notice may not be canceled.

(w) *Adoption supplements to be noncounting.* Adoption supplements may be filed without regard to and shall be considered exempt from the limitations imposed by the regulations in this part pertaining to the volume of supplemental matter and the number of supplements permitted to a tariff.

(x) *Carriers to which this section applies.* The regulations in this section shall apply only to carriers filing tariffs under the regulations in this part and only when the adoption is one authorized by the Interstate Commerce Commission.

(Sec. 310a, 5 U.S.C. 553, 558; 49 U.S.C. 5, 6, 12, 20, 318, 319, 904, 906, 1003, 1005, 1013; sec. 12, 24 Stat. 383 as amended, secs. 5, 6, 12, 24 Stat. 380 as amended, sec. 20, 24 Stat. 386 as amended; 49 Stat. 561, 563, 52 Stat 1237 as amended; secs. 304, 306, 54 Stat. 933, 935; secs. 403, 405, 413, 56 Stat. 285, 287, 295; 80 Stat. 378)

[41 FR 30591, July 26, 1976; 41 FR 35679, Aug. 24, 1976; 41 FR 55716, Dec. 22, 1976, as amended at 43 FR 8552, Mar 2, 1978; 43 FR 12327, Mar. 24, 1978]

§ 1310.26 Applications for special tariff authority (rule 26).

(a) *Commission has authority to grant special tariff authority.* The Commission has the authority to permit, in its discretion and for good cause shown, the filing of tariff provisions on less than 30 days' notice, and also to permit other departures from the regulations in this part. The Commission will exercise this authority only in cases where actual emergency and real merit are shown. Desire to meet the tariff provisions of a competing carrier that has given 30 days' notice will not of itself be regarded as good cause for permitting notice of less than 30 days. Clerical or typographical errors in tariffs constitute good cause for the exercise of this authority, but every application based thereon must plainly specify the error together with a full statement of the attending circumstances and must be presented with reasonable promptness after issuance of the defective tariff, supplement, or loose-leaf page.

(b) *Special tariff authority will not be issued to modify formal orders.* When a formal order of the Commission requires publication on a stated number of days' notice, a request for special tariff authority to file on less notice is in effect a modification of the formal order. Any such request should be filed as a petition on the formal docket for modification of the order and not as an application for special tariff authority.

(c) *Filing of application by carrier—also joint agents' tariff.* A carrier may apply for authority to file tariff provisions on less than 30 days' notice or for waiver of the regulations in this part as to tariffs of its own issue, but not those of its tariff publishing agent. If an application requests authority to file provisions in a joint agents' tariff, it must state that it is filed for and on behalf of all carriers parties to the proposed change in the tariff.

(d) *Where to send applications and number of copies required.* Two copies of each application tendered (including amendments thereto and exhibits made a part thereof) should be addressed

Interstate Commerce Commission, Bureau of Traffic, Washington, DC 20423.

and every envelope marked prominently with the words "Special Tariff Authority Application." A check drawn to the order of the Interstate Commerce Commission in the amount of the required fee shall accompany each application for new special tariff authority, or amendment of an existing authority, if required by current regulations.

(e) *Numbering and signing of applications.* Applications should be numbered by the applicant. The application must be signed by a person authorized to sign a letter of transmittal of tariff publications for the carrier or agent (see §§ 1310.1 (c) and (d)), except that a carrier may authorize a different individual to sign applications for special tariff authority. Such an authorization must be in the form of a letter of authorization signed by the owner, partner or official, as the case may be, naming the person so appointed, and filed with the Commission's Bureau of Traffic. Applications need not be notarized.

(f) *Form of application.* Applications shall be prepared on paper not less than 8 by 10½ nor more than 8½ by 11 inches in size, and be in substantially the following form. Each application shall give all information required by this rule together with any other pertinent facts.

————————————

(Street address, or R.F.D. number)

————————————

(City, state, etc. and ZIP Code)

————————————

(Date)

INTERSTATE COMMERCE COMMISSION,
Bureau of Traffic
Washington, D.C. 20423.

Application No.———

————————————, by

(Name of carrier or agent)

————————————,for——

(Name and title of person signing application)

for and on behalf of all carriers parties to its tariff [here show ICC designation] ——— ,[1] does hereby petition the Interstate Commerce Commission that it be permitted, under section 217 of the Interstate Commerce Act, and as amended, to put in force the following tariff provisions to become effective ——— days after the filing thereof with the Interstate Commerce Commission:

(Here show matter as directed by paragraph (g)(1) of this section.) Your petitioner further represents that the said [here state whether rates, charges, classification ratings, or other provisions] above mentioned will be published in [here show matter as directed by paragraph (g)(2) of this section].

1. [Here state matter as directed by paragraph (g)(3) of this section].
2. [Here state matter as directed by paragraph (g)(4) of this section.]
3. [Here state fully matter as directed by paragraph (g)(5) of this section.]
4. [Here show justification as directed by paragraph (g)(6) of this section.]

————————————

(Name of carrier or agent)

By ————————————

(Signature of authorized person)

————————————

(Title)

I hereby certify that the information contained herein is to the best of my knowledge true.

By ————————————

(Signature of authorized person)

————————————

(Date)

When the tariff involved is a local one or relief from any regulation in this part is requested, appropriate changes shall be made in the introductory paragraph of this form.

(g) *Information application shall show.* (1) The proposed tariff provisions shall be set forth clearly and completely. An accompanying exhibit may be used if identified by letter, such as "Exhibit A," and so referred to in the application. If the proposed provisions consist of rates, all points from, to, or between which such rates apply must be shown or definitely indicated. If the proposed provision is a rule, the exact wording must be given.

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[1] If reference to tariff or tariffs does not exactly designate carriers involved, other methods of designating carriers should be employed.

(2) The application shall show the ICC designations of the tariffs in which the proposed provisions will be published. If publication is to be made in supplements to tariffs already referred to, this fact shall be shown. It shall be clearly stated whether publication will be by republication of the affected matter or by statement. If waiver of any regulation in this part is required, the number of the affected section or part thereof must be identified and the reason for the waiver explained.

(3) When a request to file a new rate on less than 30 days' notice is involved, the method or formula that was used to construct the proposed rate shall be provided. When the matter to be shown is voluminous or for other reasons difficult of presentation, it may be included in an accompanying exhibit, properly identified and referred to in the application. Reference shall be made to the tariff and to the number of the supplement in which provisions to be superseded are published. If such provisions are published in items or numbered units, reference shall be made thereto by number. If they are not so published, the pages of the publication on which the provisions appear shall be shown. The extent to which and the manner in which cancellations will be made must be definitely indicated.

(4) The application shall state the names of carriers known to maintain competitive provisions between the same points or points related thereto, together with the ICC designations of the tariffs and the numbers of the supplements thereto containing such provisions.

(5) Except in connection with an application to correct clerical, typographical, or otherwise obvious errors in publication, the application shall state whether or not such carriers have been advised of the proposed provisions and whether or not they have been advised that it is proposed to file such provisions on less (or on not less) than 30 days' notice. If competitive carriers have expressed their views in regard to the proposed provisions, a brief statement of their views shall be given.

(6) The application shall state the special circumstances or unusual conditions which are relied upon as justifying the requested authority together with any related facts or circumstances which may aid the Commission in determining whether or not the requested authority is justified. If special tariff authority to give notice of less than 30 days is sought, the petitioner shall state why notice of not less than 30 days cannot be given.

(h) *The authority must be used in its entirety.* If the special tariff authority is used, it must be used in its entirety and in the manner set forth in the order of special tariff authority. If it is not desired to use all of the authority granted, and less or more extensive authority is desired, a new application complying with the provisions of this section in all respects and referring to the previous authority must be filed.

(i) *Confirmatory application.* When special tariff authority is requested by telegram because of an emergency which does not permit timely filing, the telegram must state all pertinent facts required in this section and include a statement that a written application and filing fee is being sent. An application (with the required fee) confirming the request shall be transmitted as soon as possible after the telegraphic request, and, in any event, not later than noon of the next working day. (The application and fee must be transmitted regardless of whether the request is granted or denied.)

(j) *Authority to reject publication.* The issuance and use of a special tariff authority does not restrict or remove the Commission's authority to reject a publication for reasons it deems sufficient in the circumstances.

(Sec. 310a, 5 U.S.C. 553, 558; 49 U.S.C. 5, 6, 12, 20, 318, 319, 904, 906, 1003, 1005, 1013; sec. 12, 24 Stat. 383 as amended, secs. 5, 6, 12, 24 Stat. 380 as amended, sec. 20, 24 Stat. 386 as amended; 49 Stat. 561, 563, 52 Stat. 1237 as amended; secs. 304, 306, 54 Stat. 933, 935; secs. 403, 405, 413, 56 Stat. 285, 287, 295; 80 Stat. 378)

[41 FR 30591, July 26, 1976, as amended at 42 FR 44240, Sept. 2, 1977; 43 FR 8552, Mar. 2, 1978; 43 FR 12328, Mar. 24, 1978]

§ 1310.27 Concurrences or powers of attorney—transfer of agent (rule 27).

(a) *Different situations.* The construction, filing, cancellation or revocation of powers of attorney or concurrences, and the construction and filing of publications when one agent takes over another involve many different kinds of situations each of which requires different procedures to be followed. Below are summarized many kinds of situations together with a reference in each instance to the paragraph in this section that contains the regulations governing that situation.

(1) To authorize an individual to act as agent, see paragraphs (b)(1) and (b)(2) of this section.

(2) To authorize a corporation to act as agent, see paragraphs (b)(1) and (b)(3) of this section.

(3) To limit the authority of a power of attorney, see paragraphs (b)(4) and (b)(5) of this section.

(4) To give concurrence in a particular tariff of a carrier, see paragraphs (c)(1) and (c)(2) of this section.

(5) To give general concurrence to a carrier, see paragraphs (c)(1) and (c)(3) of this section.

(6) When the principal agent dies or is disabled, see paragraphs (j), (k)(2), (k)(3), and (l) of this section.

(7) When the alternate agent dies or is disabled, see paragraphs (k)(2), (k)(3), and (l) of this section.

(8) When an agent takes over another agent or a corporation as agent changes its name, see paragraphs (k)(1), (k)(3), and (l) of this section.

(9) To cancel a power of attorney or concurrence, see paragraph (o) of this section.

(10) To revoke a power of attorney or concurrence, see paragraph (p) of this section. Instruments already on file October 5, 1978, prepared on the previously prescribed MFXA and MFXC forms are not required to be reissued effective before October 5, 1983, solely to convert to the new forms. Nevertheless, carriers should act to replace them as soon as possible, but in any event before such date.

(b) *Forms of powers of attorney.* (1) The following forms shall be used by a carrier to give authority to an agent to publish and file tariffs, including supplements or loose-leaf pages thereto, in which such carrier participates. If common carriers by water governed by the regulations in this part desire to give powers of attorney to agents authorizing the publication of joint rates with motor carriers, the forms set forth in this paragraph may be altered by substituting for the words "common carrier of property by motor vehicle," the words, "common carrier of property by water," or appropriate words of similar import.

(2) The form to authorize an individual to act as agent shall read as follows:

POWER OF ATTORNEY

FA1 No. ———
Cancels ——— No. ———

————————————
(Name of carrier)

————————————
(Street address or R.F.D. number)

————————————
(City, state, etc. and ZIP Code)
——————, 19——
(Date)

This is to certify that, on the ——— day of ————, 19—, ———————— (Name of carrier) a common carrier of property by motor vehicle does (do) hereby make and appoint

————————————————————
(Name of principal agent)

attorney and agent to publish and file for such carrier freight tariffs, and supplements or loose-leaf page amendments thereto, as permitted or required of common carriers of property by motor vehicle under authority of the Interstate Commerce Act, and the regulations of the Interstate Commerce Commission issued pursuant thereto, and does (do) hereby ratify and confirm all that said attorney and agent may lawfully do by virtue of the authority herein granted and does (do) hereby assume full responsibility for the acts and failures to act of said attorney and agent.

And, further, that ———————— ———————— (Name of carrier) does (do) hereby make and appoint ————————————————————

(Name of alternate agent) alternate attorney and agent to do and perform the same acts and exercise the same authority herein granted to

————————————————
(Name of principal agent)

in the event and only in the event of the death or disability of

————————————————
(Name of principal agent)

————————————
(Name of carrier)

By ————————————————
(Signature of authorized person)

————————————
(Title)

Attest (if a corporation):
————————————, Secretary.
[Corporate Seal]

Duplicate mailed to ————————————
(Name of Agent)

————————————
(Street address or
R.F.D. number)

————————————
(City, state, etc. and
ZIP Code)

————————————
(Date)

(3) The form to authorize a corporation to act as agent shall read as follows:

POWER OF ATTORNEY

FA2 No. —
Cancels — No. —

————————————
(Name of carrier)

————————————
(Street address or
R.F.D. number)

————————————
(City, state, etc. and
ZIP Code)
, 19 ————————
(Date)

This is to certify that, on the — day of ————, 19—, ———————————— (Name of carrier) a common carrier of property by motor vehicle does (do) hereby make and appoint

————————————————
(Name of corporation)

attorney and agent to publish and file for such carrier freight tariffs, and supplements or loose-leaf page amendments thereto, as permitted or required of common carriers of property by motor vehicle under authority of the Interstate Commerce Act, and the regulations of the Interstate Commerce Commission issued pursuant thereto, and does (do) hereby ratify and confirm all that said attorney and agent may lawfully do by virtue of the authority herein granted and does (do) hereby assume full responsibility for the acts and failures to act of said attorney and agent.

————————————
(Name of carrier)

By ————————————————
(Signature of authorized person)

————————————
(Title)

Attest (if a corporation):
————————————, Secretary.
[Corporate Seal]

Duplicate mailed to ————————————
(Name of Agent)

————————————
(Street address or
R.F.D. number)

————————————
(City, state, etc. and
ZIP Code)

————————————
(Date)

(4) Powers of attorney, if executed without modification, confer unlimited authority to publish local rates for the carrier issuing the power of attorney and to publish joint rates for such carrier and such other carriers as shall have issued the necessary authority. If it is desired to limit the authority granted to the agent, the form may be modified by adding at the end of the first paragraph the statement:

> This authority is restricted to the filing of the publications or types of publications set forth below and to the extent shown.

and by clearly and explicitly stating immediately thereafter the extent of the authority granted. Any limitation must be a general one and be specifically expressed in the instrument and must not depend on actions, circumstances, or managerial decisions not embodied therein or determinable therefrom and must not depend on future instructions or approvals. Limitations, if any, must be expressed in the instrument in such a manner that not only is it clear the authority the agent will have but also the authority it will not have if certain authority is withheld. For example, the instrument may limit the authority of an agent to publication of particular tariffs, to publication of rates from points on the carrier's lines only, to publication of rates to points on the carrier's lines only, to publication of either local or joint rates, or to publication of either class or commodity rates. The instrument may not contain limitations that are not general ones—for example, publication of specifically named rates, origins, destinations, rules, etc.

(5) If it is desired to give to an agent authority only for the publication of a classification, a classification exceptions tariff, a rules tariff, or any other special kind of tariff, the form may be modified in either of two ways. Omit the words "freight tariffs" and substitute therefor the word or words, "classification," "classification exceptions tariffs," "rules tariffs," etc., or modify so as to authorize the publication of any or all of such tariffs, including rate tariffs. If it is desired to limit the authority granted to publication of a particular tariff or tariffs, this may be done by giving a sufficiently accurate description of the title page of each tariff to identify it and by showing the ICC designation if known. If it is intended that the authority granted shall include reissues of specifically named tariffs, that fact should be made clear by adding in the appropriate location "and successive issues thereof."

(c) *Forms of concurrences.* (1) The following forms shall be used in giving to carriers subject to these regulations concurrences in tariffs (including supplements or loose-leaf page amendments thereto) which are issued and filed by such carriers or their agents and in which the carriers giving concurrences are participants. The carrier to whom concurrence is given may act as origin, intermediate, or destination carrier in joint rates and routes. A concurrence does not confer upon a carrier authority to publish local rates for another carrier. If two or more carriers execute powers of attorney authorizing an agent to publish joint rates for them, it will not be necessary for those carriers to exchange concurrences with each other as to the joint tariffs issued by that agent under that authority.

(2) Form FC1 shall be used in giving concurrence in a particular tariff that is issued and filed by another carrier. The original of form FC1 shall be forwarded to the carrier issuing the tariff and shall be transmitted by such carrier to the Commission with the tariff or the amendment adding the carrier. This form when not restricted will serve as continuing evidence of participation in the tariff described in the concurrence and in all supplements (or loose-leaf pages) thereto and successive issues thereof. If reference to successive issues be stricken or omitted, a new concurrence will be required for each successive issue of the tariff in which the concurring carrier desires to participate. Except as provided in this paragraph, this form shall not be qualified in any way but must evidence concurrence in all rates, rules, or other provisions contained in the tariff publication named therein. The form shall read as follows:

CONCURRENCE

FC1 No. ——
Cancels —— No. ——

————————————
(Name of carrier)

————————————
(Street address or
R.F.D. number)

————————————
(City, state, etc.
and ZIP Code)

————————, 19 ——.
(Date)

TO THE INTERSTATE COMMERCE COMMISSION
Bureau of Traffic
Washington, DC 20423

This is to certify that ———————— (Name of carrier giving concurrence) assents to and concurs in the publication and filing of the freight tariff described below, filed by ————————————, (Name of carrier to which concurrence is given) together with supplements or loose-leaf page amendments thereto, successive issues thereof, and supplements or loose-leaf page amendments to the reissues, and that such concurring carrier hereby makes itself a party thereto and bound thereby, insofar as such tariff applies from, to, via, or at points on its lines, until this authority either is revoked by formal and official notice of revocation filed with the Interstate Commerce Commission and sent to the carrier to which this concurrence is given or is canceled.

(Here give an exact description of the title page of tariff, including the name of the issuing carrier, the ICC designation dates on which issued and effective, and the name and title of officer shown as issuing the tariff.)

____
(Name of carrier)

By ______________________________
(Signature of authorized person)

____
(Title)

Attest (if a corporation):
______________________, Secretary.
[Corporate Seal]

(3) If general concurrence is given by a carrier in tariffs (including supplements or loose-leaf page amendment thereto) issued by another carrier or its agent, naming rates or other provisions from, to, via, or at points on its lines, form FC2 shall be used. Form FC2 may be executed as shown, when it will authorize publication of rates or other provisions for the concurring carrier from, to, via, or at points served by such carrier. If it is desired to limit the authority granted to exclude publication of rates in connection with which the concurring carrier would act as either origin, intermediate, or destination line, the form may be modified to that extent by use of appropriate language to effect the modification authorized. When authority is given an agent to publish rates for a carrier participating under authority of a concurrence to another carrier for which such agent acts, care must be exercised that the rates published for the concurring carrier do not exceed the scope of the authority given. The form shall read as follows:

CONCURRENCE

FC2 No. ——
Cancels —— No. ——

____
(Name of carrier)

____
(Street address or R.F.D. number)

____
(City, state, etc. and ZIP Code)

______________________, 19——.
(Date)

TO THE INTERSTATE COMMERCE COMMISSION
Bureau of Traffic
Washington, DC 20423

This is to certify that ______________ (Name of carrier giving concurrence) assents to and concurs in the publication and filing of any freight tariff or supplement or loose-leaf page amendment thereto, which

____
(Name of carrier to which concurrence is given)

or such carrier's agent may publish and file, and in which the said ______________ (Name of concurring carrier) is shown as a participating carrier, and that such concurring carrier hereby makes itself a party thereto and bound thereby insofar as such tariff applies from, to, via, or at points on its lines, until this authority either is revoked by formal and official notice of revocation filed with the Interstate Commerce Commission and sent to the carrier to which this concurrence is given or is canceled.

____
(Name of carrier)

By ______________________________
(Signature of authorized person)

____
(Title)

Attest (if a corporation):
______________________, Secretary.
[Corporate Seal]

Duplicate mailed to ———————————
(Carrier to which concurrence is given)

———————————
(Street address or R.F.D. number)

———————————
(City, state, etc. and ZIP Code)

———————————
(Date)

(d) *Exact name of carrier must be shown—what individual may sign instrument.* (1) In the blank spaces on each form for the name of the carrier, there shall be shown, if the carrier be an individual, the individual name followed by the trade name, if any. If the carrier be a partnership, the correct names of all partners must be given, followed by the trade name, if any. If the carrier be a corporation, the correct corporate name must be used. In all cases, the name of the carrier shall be identical with the name as it appears in its operating certificate issued by the Commission, or, in the event that such certificate has not yet been issued, the name of the carrier shown must be identical with the name as it appears in the records of the Commission.

(2) The power of attorney or concurrence shall be signed by the owner, if the carrier is an individual, and shall be signed by all of the partners individually, if a partnership. If the carrier is a corporation, the power of attorney shall be signed by the president or vice-president, attested by the secretary of the corporation, and the corporate seal shall be affixed. If the state in which incorporated does not require the corporation to have a seal and it does not have one, the affixing of a seal may be omitted.

(3) See § 1132.6 of this chapter as to fiduciaries.

(e) *Official or employee may not act as agent.* Unless specifically authorized by the Commission, an official or an employee of a corporation may not act as agent when such corporation acts as agent.

(f) *Corporation as agent.* A corporation, duly authorized and acting as an attorney and agent, shall issue tariffs in the name of the corporation as agent. At the bottom of the title page of each publication, and at the bottom of each loose-leaf page, filed by the corporation as agent shall be shown the name and title of the official of the corporation who has been appointed by such corporation to issue tariffs and file them with the Commission. Before the first tariff publication may be filed showing such person as the issuing officer, such corporation shall forward to the Commission a certified minute of the meeting of the board of directors thereof showing the name and title of the official who has been appointed to handle all tariff matters with the Commission.

(g) *Specifications for forms.* Powers of attorney and concurrences shall be printed on paper of durable quality not less than 8 by 10½ nor more than 8½ by 11 inches in size. Each shall be given a form and serial number which shall run consecutively for each form of instrument. The form and serial numbers shall be shown on the upper right-hand corner and immediately thereunder shall be shown the form and number of the instrument, if any, which is canceled thereby. The term "freight tariff" as used in this section means not only rate tariffs but all other freight publications which in any way affect the value of the service or the measure of the charge. Each instrument shall show under the serial number the date of issue. All instruments, except form FC1, shall show in the lower left-hand corner the name and address of the agent or carrier to which the duplicate is sent.

(h) *Number of copies.* All instruments must be prepared in triplicate. Except when there is specific instruction in individual paragraphs to send originals to an agent or carrier, the original of the instrument shall be filed with the Commission, the duplicate sent to the agent or carrier to which such authorization is directed, and the third copy retained by the issuing carrier.

(i) *Conflicting authority must be avoided.* Powers of attorney or concurrences may not contain authority to delegate to another the authority thereby conferred. Duplicating authority to two or more agents or carriers must be avoided if the use thereof would result in conflicting rates or other provisions.

(j) *Alternate agent.* When a power of attorney is issued to an individual to act as agent, such instrument shall name an alternate agent to act in the event of the death or disability of the principal agent. On or before the date of filing of the first tariff, supplement, or loose-leaf page by the alternate agent under the authority granted in the instrument, such alternate agent shall submit to the Commission a sworn statement setting forth the facts which justify such exercise of authority. (See paragraph (l) of this section for regulations governing take-over publications.) The term "disability" as used in the instrument refers to resignation, transferring to other duties or another post, or absence other than temporary, and does not mean temporary absence of the principal caused by vacation, illness, or other similar causes. If a carrier revokes its powers of attorney to an agent or cancels an existing one replacing it with a new more limited one, providing the required 60 days' notice from date of filing with the Commission, the agent has a duty to adjust its tariffs accordingly, effective on or before the effective date of the instruments. If it does not and the carrier directs this fact to the attention of the Commission, the Commission may, if it sees fit, direct the alternate agent to take over in the agent's place to protect the rights of the carrier. After an alternate agent has once exercised the authority granted by the instrument, the principal agent may not thereafter act under that instrument.

(k) *Transfer of authority from one agent to another agent—death or disability of agent.* (1) When an agent takes over another agent (including a change of name of a corporation acting as an agent), superseding the former agent as to all such agent's effective tariffs, the transfer shall be accomplished by each carrier executing a new power of attorney naming the new agent (and alternate when the new agent is an individual) thereafter to serve, and specifically canceling the previous power of attorney. (See paragraph (l) of this section for regulations governing take-over publications.)

(2) When a power of attorney has been issued to an individual and an alternate, and the death or disability of either the principal or alternate agent occurs, new powers of attorney canceling the previously effective powers of attorney and naming the agent (and alternate when the new agent is an individual) thereafter to serve shall be filed within 180 days from the date of death or disability. (See paragraph (l) of this section for regulations governing take-over publications.)

(3) The new powers of attorney filed pursuant to this paragraph shall bear no effective date. The originals thereof shall not be sent direct to the Commission, but shall be forwarded to the principal agent named therein. After all the necessary instruments shall have been secured, the principal agent shall file the originals with the Commission all at one time. Such powers of attorney will become effective upon the date they are received by the Commission, regardless of any other date which may have inadvertently been shown thereon.

(4) If, during the period the alternate agent is functioning in place of the former principal agent, new participating carriers are to be added to the tariffs the powers of attorney from such carriers must name the present alternate agent as principal agent together with a new alternate agent. When the permanent take over is made by a new agent (which may be the former alternate agent), such powers of attorney must be replaced by new ones meeting the requirements of this paragraph.

(5) If upon the death or disability of the principal agent it is found that the alternate agent named in the powers of attorney cannot or will not (by refusal or neglect) take over the tariffs, the carriers have a positive duty to seek a solution. If no take over by a new agent acting for the participants is arranged for within 90 days of the Commission being advised of the situation existing, the Commission will consider striking the tariffs from the files of the Commission. If the tariffs are stricken, the carriers will be free to publish their rates elsewhere.

(l) *Take-over publications.* (1) When a new agent is appointed for a reason set forth in paragraph (k) of this section, or when an alternate agent assumes the duties of the principal agent, the new agent, immediately upon receipt of necessary authority, or the alternate agent, upon death or disability of the principal, shall issue a supplement to each of the effective tariffs (bound or loose-leaf) issued by or which had been taken over by the agent superseded. The supplement shall bear on its title page no effective date, but shall contain a statement reading substantially as follows:

> On and after [show here, in the case of a new agent, the date on which authorities are filed with this Commission; or in the case of an alternate agent, the date on which the principal ceased to act] this publication shall be considered as the issue of [show here name of new agent or the alternate acting as such].

In the case of a new agent and a bound tariff, such supplement shall also contain a list of participating carriers, giving reference to the new authorities. In the case of a new agent and a loose-leaf tariff, the supplement shall not name the participating carriers, but instead one or more loose-leaf pages, canceling the previous page or pages, shall be issued containing the new list of participating carriers. Such a page shall identify the new authorities and refer to the take-over supplement, shall show the date of the take-over as the effective date, and may be filed without notice.

(2) However, if the agent whose tariffs are being taken over maintains a participating carrier tariff, the take-over publications to the agent's other tariffs shall not list participants if the tariff that is being amended does not specifically list them. The take-over publication to the participating carrier tariff shall, however, provide a complete list of all participants therein and in tariffs governed thereby on the date of take-over.

(3) An agent only has authority to act for a carrier that has issued a power of attorney in its favor or issued an appropriate concurrence to such a carrier. Therefore, only the names of participating carriers that have issued such instruments may be shown in the take-over publication. Any updating, corrections, or deletions of the names of participating carriers must be made by the former agent (or alternate agent if authorized to act) and must become effective on lawful notice before the date of take-over.

(4) The take-over supplement must remain in effect for the life of the tariff and shall be considered exempt from the provisions of this part limiting the number and the volume of supplements, but the participating carrier list therein, if any, may be amended.

(5) An agent may not take over less than all of another agent's tariffs.

(6) Where joint-agent publications are involved in a take-over there are four major situations:

(i) The principal agent is taken over by other than one of the joint agents.

(ii) A joint agent is taken over by other than the principal agent.

(iii) A joint agent is taken over by the principal agent shown on the publication.

(iv) The principal agent is taken over by a joint agent shown on the publication.

In situations not identified in this paragraph, the parties should consult with this Commission's Bureau of Traffic to arrive at an acceptable form for the publications effecting the take-over action. In the case of (l)(6)(i) the new agent issues the take-over supplement. In the case of (l)(6)(ii) the principal agent issues a supplement which indicates that the take-over took place and substitutes the name of the new agent for the one taken over. In the case of (l)(6)(iii) the principal agent issues the take-over supplement and drops the name of the former agent and its ICC designation. In the case of (l)(6)(iv) the joint agent automatically becomes the principal or sole agent, as the case may be, and issues the take-over supplement and drops the name of the former agent and its ICC designation. In each situation the supplement must be one containing no other matter than that necessary to effect and explain the action. In every case the agent who issues the take-over supplement shall also amend the list of participating carriers, wherever it is shown, in an appropriate fashion.

(m) *Supplement (or loose-leaf pages) to be shown in series of former agent.* Supplements or loose-leaf pages, including those publishing the takeover, filed by the new agent to tariffs issued by the former agent (or a predecessor thereof, if any) must show in connection with the ICC designation that they are in the series of the former agent (or predecessor).

(n) *New agent must start new series.* New tariffs issued by the new agent (not alternate agent) shall be in such agent's own ICC designation series, and when canceling tariffs issued by the former agent shall indicate the series of the tariffs canceled. An alternate agent, after take over, shall continue to use the designation series of the superseded agent and identify, in connection with the designation, the series by name of such agent.

(o) *Cancellation of instruments.* A power of attorney may cancel another power of attorney if both the old and new are issued in favor of the same agent or if it is filed under circumstances set forth in paragraph (k) of this section. A concurrence may cancel another concurrence if both the old and new are issued in favor of the same carrier. In every case both the old and new instruments must be issued by the same carrier, except that the old may be one acquired from a bona fide predecessor carrier. A power of attorney may not cancel a concurrence, nor may a concurrence cancel a power of attorney, but one form of power of attorney may cancel a different form of power of attorney and one form of concurrence may cancel a different form of concurrence, but care must be taken in any case that the correct form number (FC1, FC2, etc.) is inserted in the cancellation notice space. Under all other circumstances, powers of attorney and concurrencies must be revoked as set forth in paragraph (p) of this section. If the instrument to be canceled contains more authority or is broader in scope than the new instrument, the new instrument must bear an effective date of at least 60 days after the date on which it is received by the Commission. Otherwise, no notice is required.

(p) *Revocation of instruments.* (1) A power of attorney or concurrence may be revoked upon not less than 60 days' notice to the Commission by filing a notice of revocation with the Commission, serving at the same time a copy thereof on the agent or carrier in whose favor such instrument was executed. Such notice shall not bear a separate serial number, but shall specify the form and number of the instrument to be revoked, name the agent (and alternate agent when form FA1 is being revoked) or carrier in whose favor the instrument was executed, and specify the date upon which revocation is to become effective. The effective date must not be less than 60 days subsequent to the date the notice is received by the Commission. The notice shall be executed on paper of good quality not less than 8 by 10½ nor more than 8½ by 11 inches in size.

(2) The revocation notice for a power of attorney shall read as follows:

REVOCATION NOTICE

____
(Name of carrier)

____
(Street address or
R.F.D. number)

____
(City, state, etc. and
ZIP Code)
——————, 19—
(Date)

This is to certify that, effective ——————, 19—, power of attorney ——, No. ——, issued by —————— (Name of carrier) in favor of —————— (Name of agent and of alternate, if any) is hereby canceled and revoked.

____
(Name of carrier)

By ____________________
(Signature of authorized
person)

____
(Title)

Attest (if a corporation):
———————, Secretary.

[Corporate Seal]

Duplicate mailed to ——————————
(Name of agent)

——————————
(Street address or R.F.D. number)

——————————
(City, state, etc. and ZIP Code)

——————————
(Date)

(3) The revocation notice for a concurrence shall read as follows:

REVOCATION NOTICE

——————————
(Name of carrier)

——————————
(Street address or R.F.D. number)

——————————
(City, state, etc. and ZIP Code)

——————————
(Date)

To the Interstate Commerce Commission
Bureau of Traffic
Washington, DC 20423

Effective ————, 19—, concurrence No. ——, issued by ———————— (Name of carrier) in favor of ———————— (Name of carrier to which issued) is hereby canceled and revoked.

——————————
(Name of carrier)

By ——————————
(Signature of authorized person)

——————————
(Title)

Attest (if a corporation):
——————————, Secretary.
(Corporate Seal)

Duplicate mailed to

——————————
(Name of carrier to which issued)

——————————
(Street address or R.F.D. number)

——————————
(City, state, etc. and ZIP Code)

——————————
(Date)

(4) When a power of attorney or concurrence is revoked, corresponding revision of the tariff or tariffs should be made effective upon statutory notice not later than the effective date stated in the notice of revocation. In the event of failure to so revise the applicable tariff or tariffs, the rates in such tariff or tariffs remain applicable until lawfully canceled.

(5) The provisions of paragraph (d) (correct name, who may sign, etc.) of this section will also apply to revocation notices.

(6) If the tariff or tariffs of a carrier are adopted in full, the new carrier has the duty to promptly either obtain new concurrences from the participants therein, if any, or to cancel the participation of such carriers before any changes are made effective in provisions affecting such carriers.

(7) A carrier holding a concurrence or an agent holding a power of attorney that no longer wishes to retain or exercise such authority should notify the Commission's Bureau of Traffic in writing of this and state that the authority shall have no further force and effect. The files of the Commission shall be marked accordingly and the instrument considered as no longer effective. The notification shall be over the signature of the person authorized to issue the tariffs.

(8) A power of attorney or concurrence may not be revoked in part, nor may it be amended except by reissue.

(Sec. 310a, 5 U.S.C. 553, 558; 49 U.S.C. 5, 6, 12, 20, 318, 319, 904, 906, 1003, 1005, 1013; sec. 12, 24 Stat. 383 as amended, secs. 5, 6, 12, 24 Stat. 380 as amended, sec. 20, 24 Stat. 386 as amended; 49 Stat. 561, 563, 52 Stat. 1237 as amended; secs. 304, 306, 54 Stat. 933, 935; secs. 403, 405, 413, 56 Stat. 285, 287, 295; 80 Stat. 378)

[41 FR 30591, July 26, 1976; 41 FR 34260, Aug. 13, 1976, as amended at 42 FR 44240, Sept. 2, 1977; 43 FR 8552, Mar. 2, 1978]

§ 1310.28 Provisions which may be filed on less than 30 days' notice (rule 28).

(See §§ 1310.14, 1310.22, 1310.24, 1310.25 and 1310.27 (rules 14, 22, 24, 25, and 27) for other provisions which may be filed on less than 30 days' notice.)

(a) *Certain provisions in connection with new temporary or new permanent operating authority.* (1) When operating authority is to be issued, the tariffs of the carrier or its agent may be amended on not less than five days' notice to add the description of such operating authority (see §§ 1310.6(g) and 1310.19 (rules 6 and 19)), to add the name of the carrier to the list of participants, to provide routing provisions in connection with such authority, and to amend the list of points served. If the authority to be issued is temporary only pursuant to section 210a(a) of the Act, the tariff provisions must be made subject to an expiration date which is not later than the date such authority is indicated to expire. If the authority is to be permanent, the effective date of the tariff provisions may not be earlier than the earliest date the certificate would be issued (the Commission will supply this information if necessary upon request).

(2) A carrier may not in its own tariff provide rates and service for its own account beyond the authority it has been granted. Commodity rates and commodity rate tables in a tariff should properly be specific as to points, territory and commodities from, to and on which they apply. Hence, addition in a carrier's own issue of a description of new operating authority should not, in itself, without any other amendment, serve to automatically extend the application of existing commodity rates to new points or territory, and the less-than-statutory authority provided in paragraph (a) (1) of this section is not usable to so extend. This does not apply to class rates in effect, or to tariffs of agents already providing effective rates and other provisions which would cover the points, territory and commodity.

(b) *New route for existing operating authority.* A new joint route may be added upon not less than five days' notice to a rate tariff, or to its governing routing guide, if the carriers parties to the new route are participants in the rate tariff and have for not less than 30 days prior to filing of the new route held out in tariffs to serve their respective segments of the new proposed joint route. This authority may not be used to cancel any existing route, nor add a carrier or route to a particular rate, rule, item, or other provision which is limited to apply for a specifically named carrier or carriers. Nor may it be used for the establishment of new routes to which are attached restrictions on their applicability having no foundation in the underlying certificates of, or grants of new operating authorities to, the involved carriers.

(c) *Restore carrier participation.* Carriers and agents may file supplements or loose-leaf pages to their tariffs on not less than five days' notice to restore the listing of carriers as participants following published cancellation, so as to continue participation without interruption. The relisting must be indicated to become effective not later than the date upon which the cancellation is indicated to become effective. This authority may be used only when the cancellation notice was filed on not less than 30 days' notice.

(d) *Amend participating carrier list in dangerous articles tariff.* The list of participating carriers may be amended on not less than one day's notice to provide additions thereto and corrections and other changes therein in a tariff containing only rules and regulations governing the acceptance and transportation of dangerous articles (hazardous materials).

(e) *Amend participating carrier list in classification.* The list of participating carriers in classifications may be amended on not less than one day's notice to provide additions thereto and corrections and other changes therein.

(f) *Extend expiration dates or postpone effective date of comeback provisions.* Publications may be filed on less than 30 days' notice to extend the expiration date of existing provisions, or to postpone the effective date of comeback provisions (provisions paired with and published to supersede those indicated to expire with the preceding day) when the expiration date of the existing provisions is extended. As much notice as possible must be given, but in no case less than five days. No change may be made in the extended or postponed provisions. An expiration date may not be extended when such date is required by the terms of an order of the Commission or when only a portion of the provisions subject thereto is to be continued.

(g) *Change or cancel expiration dates in connection with temporary authorities.* (1) When the expiration date of a temporary operating authority is extended for a definite or an indefinite period of time for all or a portion of the authority, the carrier or its agent may file on not less than one day's notice

(i) Supplements or loose-leaf pages canceling or changing the expiration date attached to the rates and other provisions covering the operating authority to correspond with the action taken on the operating authority, provided the publication hereunder is made effective prior to the expiration of such rates and provisions; or

(ii) Tariff publications to republish without change the rates and other provisions which have expired and which cover the operating authority being continued. This authority is limited to the republication of rates and other provisions within 30 days from the date that they expired.

(2) A supplement may be filed to a loose-leaf tariff to cancel or change the expiration date where because of the volume of publication necessary and insufficient time following notification publication cannot be made on loose-leaf pages in conformity with the regulations in this part. If insufficient time only, not volume of publication, was the reason, the issuance of a supplement under this paragraph should be followed by reissuance of the pages, referring to the action effected by the supplement, and the supplement canceled.

(3) A supplement issued to a bound tariff for this purpose and containing no other matter shall be considered exempt from the provisions of this part limiting the number and the volume of supplements. A loose-leaf tariff which if further amended would result in violation of § 1310.10(d)(9) (rule 10) as to permissible number of canceled pages may be nevertheless amended but only to the extent necessary to effect the publication otherwise authorized under this paragraph.

(4) A supplement to a tariff (bound or loose-leaf) may direct the cancellation or amendment of an expiration date without republication of the tariff provisions. In the case of a numbered provision, the amendment shall be shown in an "Amendment to" the item or other numbered provision. If it is an item containing expiration dates only, however, it must be republished.

(h) *Postponement of tariffs or tariff matter.* (1) A carrier or its agent may postpone the effective date of a tariff, or matter in a tariff (other than "comeback provisions"—see paragraph (f) of this section), of its own issue, effective on not less than eight days' notice, subject to the provisions of paragraphs (h)(2) through (h)(14) of this section.

(2) The effective date of the postponing provision may not be later than that of the provisions the effectiveness of which is sought to be postponed.

(3) Postponement may be effected—

(i) By republication of the provisions,

(ii) By "amendment to" a numbered provision, or

(iii) By a "postponement notice" if an unnumbered provision, an entire tariff, a supplement, or two or more loose-leaf pages.

(4) When by amendment, the provision it amends shall be identified by number, including letter suffix, if any, together with its present location, and the effective dates specified; for example:

Amendment to Item 100 (Sup. 50)	The effective date is hereby postponed from ———— to ————.

Item 100 (Sup. 50)

(5) When by postponement notice, and a rate or other provision only (not an entire tariff, supplement, or two or more loose-leaf pages) is affected, the notice shall identify the provision, its present location, and specify the effective dates; for example:

The effective date of ————, on page — of —, is hereby postponed from ———— to ————.

(6) When by postponement notice, and an entire tariff, supplement, or a group of two or more loose-leaf pages

is affected, the notice shall be worded as follows:

> Refer to the title page of (tariff) (supplement — to tariff) and change the effective date, which now reads ———— to read ————.

or, in the case of loose-leaf pages (adapting to "original page" or more than two pages, as appropriate):

> Refer to — Revised Page — and — Revised Page — and change the effective dates thereon which now read ———— to read ————.

If the publication shows an exception to the general effective date, the postponement notice must clearly indicate whether or not the excepted date is also postponed and to what date.

(7) When the postponement of the effective date hereunder does not suffice to automatically continue the presently effective provision for the interim period due to a published cancellation, care must be taken to also postpone the cancellation. The postponement authority in this paragraph may be used to effect this result.

(8) Where the matter to be postponed is published on a single page of a loose-leaf tariff, postponement may only be effected by republication of the page. Republication of the matter to be held in effect and of the matter being postponed may be published together, with appropriate effective and expiration dates to effect continuity.

(9) Each amendment to a numbered provision for purposes of postponing shall be published in its proper place by numerical sequence when published with other tariff provisions in the same supplement, and when the numbered provision is next republished the amendment shall be specifically canceled. In the interim, if and when the supplement (to a bound tariff) in which an amendment appears is canceled, such amendment must be carried forward as reissued matter in the regular manner.

(10) Each postponement-notice provision shall be published in the fore part of the publishing supplement and, unless specifically canceled in a later supplement in the case of a bound tariff, it must be carried forward as reissued matter in the regular manner. In bound tariffs, cancellation of the latest postponing notice provision affecting an unnumbered tariff provision may only be accomplished by the republication of the postponed provisions or as amended, and postponing provisions affecting an entire tariff or entire supplement must be carried forward as reissued provisions for the life of the tariff. In loose-leaf tariffs, the postponing supplement may be canceled by the check sheet or by a reissue of one of the affected pages if all affected provisions have been reissued.

(11) Only one postponement and one further postponement are authorized by this paragraph, and the total period of postponement may not extend beyond 90 days from the original effective date unless the proposed new or changed provision is to be canceled. In this event a further postponement for another 30 days may be published upon not less than eight days' notice provided such cancellation is published at the same time upon full statutory or other lawful notice. When effecting such cancellation in a bound tariff, the supplement which effects the postponement may also include the cancellation of the matter but in full accord with the regulations in this part. When loose-leaf pages, the postponing supplement may include the cancellation only if the circumstances are such that cancellation by supplement is authorized in the regulations in this part. Where an amendment or notice is used for further postponement, the wording of the amendment or notice must detail the fact of the prior postponement, including the original published effective date, and the last date to which it had been postponed. The new amendment or notice shall specifically cancel the prior amendment or notice, and where the prior amendment or notice is published in a special supplement containing no other matter the new supplement must cancel it.

(12) If any matter being postponed hereunder is the subject of a petition for suspension by another party, the publishing carrier or agent, as the case may be, must at once notify each petitioner by first class mail or by telegram of the fact of postponement and must by telegram advise this Commis-

sion's Suspension and Fourth Section Board of the postponement and therein confirm that the petitioner or petitioners have been so notified.

(13) Supplements issued to bound tariffs under the regulations in this paragraph and which contain no other matter shall be exempt from the limitations of this part pertaining to the number of effective supplements and the volume of supplemental matter permitted to a tariff.

(14) The authority of this paragraph may not be used to postpone the effective date of a general increase or reduction in rates or charges, either in whole or in part, whether or not the subject of a petition seeking suspension.

(i) *Tariffs covering emergency transportation operating authority.* (1) Subject to the provisions of this paragraph, a carrier (not an agent) may establish rates and other tariff provisions covering emergency movements authorized by this Commission under section 210a(a) of the Interstate Commerce Act, without further notice prior to acceptance of property for transportation other than (i) posting, where required, of an individual tariff (not a loose-leaf page) containing such rates and other provisions (such a tariff may refer to one or more agents' tariffs for governing provisions), or containing provisions other than rates and referring to one or more agents' tariffs for such rates and other provisions, and (ii) having three copies of the tariff with a letter of transmittal, filed with the Commission's Bureau of Operations' field office which has jurisdiction over the point at which the carrier is domiciled or such other field office as the Commission may designate in special circumstances.

(2) A supplement may be issued to a tariff filed under this paragraph only for the purpose of changing the expiration date of the tariff to the date with which the emergency temporary authority, or an extension thereof, expires. Such a supplement shall be subject to the posting and filing requirements provided for tariffs in paragraph (i)(1) of this section.

(3) The publications must be issued in the name of the carrier and may contain only matter pertaining to the emergency temporary authority. Until March 1, 1979, the ICC designation assigned to an emergency temporary authority (ETA) tariff must either be a consecutive number and prefixed with a "W" (for example, ICC W [here show consecutive number]) or be a standard ICC designation with the standard tariff number commencing with "9" (for example, "ICC ABCD 900") as required by § 1310.3(c). The first "ETA" tariff prefixed with a "W" shall be numbered one, with each subsequent "W" tariff consecutively numbered. On and after March 1, 1979, every "ETA" tariff must bear a standard ICC designation with the tariff number commencing with "9".

(4) If the carrier certifies on the emergency temporary authority application that within 15 days of the date of filing that application a corresponding application will be filed seeking temporary authority for 180 days and requests in the emergency application two 30-day extensions of the emergency temporary authority, the tariff shall show on the title page a specific expiration date of 120 days after the effective date of the tariff. If the carrier does not provide the certification or request two 30-day extensions, the tariff shall show a specific expiration date of not later than 45 days from the effective date of the tariff. If a 120-day expiration date is inadvertently shown or if it is shown and the carrier does not timely file its 180-day temporary authority application as it certified it would, a supplement shall be filed changing the expiration date to the date the emergency temporary authority is indicated to expire.

(5) Each tariff referred to by an "ETA" tariff must be identified by its ICC designation. The carrier must certify in writing to the appropriate field office of this Commission that it is a participant in each such tariff.

(6) Should the provisions of an "ETA" tariff not conform to the emergency temporary authority actually granted, another "ETA" tariff may be filed under this paragraph (i) to cancel the first "ETA" tariff and bring the provisions into conformity with the authority granted.

(7) Except as otherwise provided in paragraph (i)(6) of this section, the

provisions of this paragraph do not authorize the cancellation of any rate or other provision, and do not authorize the establishment of any rate or other provision that will conflict with or duplicate any other rate or other provision for account of the carrier.

(Sec. 310a, 5 U.S.C. 553, 558; 49 U.S.C. 5, 6, 12, 20, 318, 319, 904, 906, 1003, 1005, 1013; sec. 12, 24 Stat. 383 as amended, secs. 5, 6, 12, 24 Stat. 380 as amended, sec. 20, 24 Stat. 386 as amended; 49 Stat. 561, 563; 52 Stat. 1237 as amended; secs. 304, 306, 54 Stat. 933, 935; secs. 403, 405, 413, 56 Stat. 285, 287, 295; 80 Stat. 378)

[41 FR 30591, July 26, 1976; 41 FR 55716, Dec. 22, 1976, as amended at 42 FR 64350, Dec. 23, 1977; 43 FR 8552, Mar. 2, 1978]

§ 1310.29 Commodity rates determined by the use of rate base numbers (rule 29).

(a) *May be filed.* Commodity rates may be published which depend for their application upon the use of rate base numbers published for determination of class rates in the same or other tariffs. Column Commodity Rates shall be the term used in captions for and references to such rates.

(b) *Reference to other tariffs for rate base numbers.* (1) A publication published in the name of a carrier and containing such rates (either local or joint) may only refer to rate base numbers in tariffs of that carrier's own issue or, in the alternative, may refer to tariffs of one or more agents. If any agent's tariff is referred to, all carriers parties to such rates must be parties to the tariff referred to and the issuing carrier must at least be a party thereto for local application of the class rates therein.

(2) A publication published in the name of an agent and containing such rates may only refer to one or more tariffs of that agent's own issue, and carriers parties to the column commodity rates must be parties as well to each other tariff referred to.

(3) Reference to a tariff for such purposes permits use of any and all rate base numbers published therein necessary for application of the column commodity rates referring thereto, regardless of effect, if any, of scope of operating authority provisions of the carriers which otherwise would limit the application of the referred to tariff for such carriers.

(c) *Other requirements.* (1) The commodity or commodities must be clearly identified, and unexplained generic terms may not be used. The application of the rates, including the territorial application thereof, must be clear and explicit.

(2) Column commodity rates, of whatever kind, may not alternate with, supersede, or be superseded by any other kind of column commodity rates.

(3) Column commodity rates shall not be published or maintained which conflict with or duplicate the application of other commodity rates. To avoid this, tariffs naming column commodity rates may publish on the title page (if all rates are of this category) or in direct connection with the rates the following notation:

> Column commodity rates shown herein may be used only when no commodity rates (other than column commodity rates) have been established to apply from and to the same points over the same route, except that column commodity rates will supersede and take precedence over distance or mileage commodity rates.

§ 1310.30 Substituted service (rail for motor) (rule 30).

(a) *Tariffs may provide for substituted service.* Provisions for the substitution of rail carrier service for available motor carrier service may be published either in the tariffs naming line-haul rates on shipments upon which the substituted service will be performed or in a governing substituted freight service directory to which specific reference must be made by ICC designation.

(b) *Required provisions.* The provisions shall provide as a minimum the following:

(1) The points between which the substitution will be performed;

(2) The name of the rail carrier which will perform the substitution; and

(3) That the shipper will have the option of directing that substituted service shall not be provided on any shipment.

(c) *Participation of rail carrier.* The rail carrier must be a party to the rate tariff in all cases and to the substituted freight service directory when one is used. The rail carrier's name and the form and number of the concurrence must in all cases be listed in the appropriate place. The rail carrier need not be listed as a participant in other governing tariffs. This paragraph does not apply where the motor carrier employs a rail service covered by rail ramp-to-ramp trailer or container on flat car service tariffs open for use by motor carriers, but for which substitution the rail carrier has not issued a concurrence or power of attorney.

(d) *Substituted freight service directory.* Only provisions for substituted service (not rates or charges) may be published in a substituted freight service directory, which must be indicated as applicable only where reference is made thereto in rate tariffs.

(e) *Different rates prohibited.* In no case may a rate be published to apply where substitution is performed and a different rate published to apply on the same shipment where substitution is not performed.

(f) *Routing provisions not required.* Routing provisions may not be published to apply over the lines of the motor carrier and the rail carrier in connection with the performance of substituted service.

(Sec. 310a, 5 U.S.C. 553, 558; 49 U.S.C. 5, 6, 12, 20, 318, 319, 904, 906, 1003, 1005, 1013; sec. 12, 24 Stat. 383 as amended, secs. 5, 6, 12, 24 Stat. 380 as amended, sec. 20, 24 Stat. 386 as amended; 49 Stat. 561, 563, 52 Stat. 1237 as amended; secs. 304, 306, 54 Stat. 933, 935; secs. 403, 405, 413, 56 Stat. 285, 287, 295; 80 Stat. 378)

[41 FR 30591, July 26, 1976, as amended at 43 FR 8552, Mar. 2, 1978]

§ 1310.31 Transmission of publications to subscribers (rule 31).

(a) Except as otherwise authorized in paragraphs (b) and (d) of this section, one copy of each new tariff, supplement, and loose-leaf page must be transmitted to each subscriber thereto by first-class mail (or other means requested in writing by subscriber) not later than the time the copies for official filing are transmitted to the Commission. The letter of transmittal accompanying the copies to the Commission must contain the following certification:

I hereby certify that I have on or before this day sent one copy of each publication listed hereon to each subscriber thereto by first-class mail, or by other means of transmission agreed upon in writing by the subscriber.

____

Signature of person transmitting publication(s)

____

Date

(b) If a new tariff or supplement is filed which in its entirety is published under an authority from this Commission to publish and file without notice or on notice of less than ten days, or, if a new loose-leaf page is filed which contains a provision published under an authority from this Commission to publish and file without notice or on notice of less than ten days, paragraph (a) of this section need not be complied with as to such publication if it cannot be, or compliance would cause excessive delay, but one copy of such publication must be transmitted to each subscriber thereto by first-class mail (or other means requested in writing by subscriber) within five calendar days, starting with the calendar day following that on which the copies for official filing are transmitted to the Commission, and the letter of transmittal to the Commission must contain the following certification:

I hereby certify that I will within five calendar days after today send one copy of each publication listed hereon to each subscriber thereto by first-class mail, or by other means of transmission agreed upon in writing by the subscriber.

____

Signature of person transmitting publication(s)

____

Date

Included in this exception are supplements issued for the purpose of announcing suspensions made by the Commission, publications (published in the name of a carrier only) announcing adoptions, and publications containing only rates or provisions covering emergency transportation authorized by this Commission under section 210a(a) of the Interstate Commerce Act.

(c) When copies of different publications are transmitted to the Commission at the same time, some copies of which have been transmitted to subscribers in compliance with paragraph (a) of this section and some copies of which will be transmitted to subscribers in compliance with paragraph (b) of this section, two letters of transmittal must accompany the copies to the Commission, one complying with paragraph (a) of this section and the other complying with paragraph (b) of this section.

(d) If there are no subscribers to any publication listed on a letter of transmittal accompanying the copies for official filing to the Commission, the letter of transmittal must contain the following certification:

I hereby certify that there are no subscribers to the publication(s) listed hereon.

____

Signature of person transmitting publication(s)

____

Date

If copies of different publications are transmitted to the Commission at the same time, some of which are subscribed to and some of which are not, only the provisions of paragraphs (a) or (b) of this section, or both, as the case may be, need be complied with.

(e) Expedited service (when transmitting one copy of each publication) must be provided to each subscriber requesting it. The cost of this service may be passed on to the subscriber.

(f) Carriers and agents shall furnish without delay one copy of any of their tariff publications, effective or published but not yet effective, to any person upon reasonable request therefor at a reasonable charge not to exceed that assessed a subscriber.

(g) As used herein, the term "subscriber" means a party who voluntarily or upon reasonable request is furnished at least one copy of a particular tariff and amendments thereto (including reissues thereof) by the publishing carrier or agent. The term does not, however, pertain to requests for a copy or copies of a tariff without a request for future amendments thereto.

§ 1310.32 Claims rules (rule 32).

Each carrier or its agent shall file with the Commission its rules and practices with respect to the loss of or damage to property, as set forth in Part 1005 (Principles and Practices For the Investigation and Voluntary Disposition of Loss and Damage Claims and Processing Salvage) of Title 49 of the Code of Federal Regulations. The rules and practices may be published in a rate tariff, in a rules tariff, or in a separate tariff.

§ 1310.33 Export and import traffic—ocean carriers (rule 33).

(a) *Ocean carriers not subject to Act.* Common carriers by water, or conferences of such carriers, engaged in the foreign commerce of the United States, as defined in the Shipping Act, 1916, that operate between ports of the United States and foreign countries are not subject to the terms of the Interstate Commerce Act or to the jurisdiction of the Interstate Commerce Commission.

(b) *Through routes and joint rates.* (1) A common carrier by motor vehicle or by motor vehicle jointly with a common carrier by water, subject to the Interstate Commerce Act (hereinafter referred to in this section as the domestic carrier), may establish a through route and joint rate with an ocean carrier (see § 1310.0(f)(21)) for the transportation of property between any place in the United States and any place in a foreign country. Every tariff naming such a through route and joint rate shall be filed with this Commission. The tariff may be filed in the name of the ocean carrier, a conference of ocean carriers, the domestic carrier or the duly appointed tariff publishing agent of such carriers.

(2) The tariff shall be constructed, filed, and posted in conformity with the Interstate Commerce Act, and, except as otherwise specifically authorized, with the regulations in Part 1310 (Tariff Circular No. MF 5) of this chapter. The tariff shall be printed in the English language, include the

names of all participating carriers, a description of the services to be performed by each participating carrier, a statement of the joint rate, and a clear and definite statement of the division, rate, or charge to be received by the domestic carrier for its share of the revenue covering a through shipment or aggregate of shipments under the tariff. The division, rate, or charge accruing to the domestic carrier must be shown in terms of lawful money of the United States. If shipments and/or loaded containers are to be permitted to be aggregated which are rated under more than one tariff published by the carrier or for its account, each tariff so affected must contain a specific rule, providing for the aggregation in connection with the statement of the domestic carrier's divisions and identifying by ICC designation each of the other tariffs. A tariff filed in the name of a conference need not show "Agent" after the name of the conference unless the conference publishes as an agent. If a tariff provides less-than-truckload, less-than-containerload, or less-than-trailerload service, such service must be defined. If the tariff provides containerload rates, such rates must be made subject to a specified minimum weight or minimum measure per container, or a specified minimum charge per shipment per container, and a maximum weight per container. Where the freight is to be packed (loaded) or unpacked (unloaded) into or from the containers by the domestic carrier, the tariff must clearly state that the joint rate includes this service or must provide a separate charge to apply when said service is provided.

(3) Rates or charges may be stated to apply in a unit other than a United States unit provided the unit is defined in the tariff where used. The International System of Units (SI) (the metric system) may be used and need not be defined. A rate or charge applying on a unit of measurement other than weight may be published, but if the tariff also includes a rate or charge applying on a unit of weight on the same traffic, the charges on the weight basis must alternate with the charges on the measurement basis other than weight. In every case the tariff shall provide a definite method for determining the measurement of the shipment and the applicable charges. "Cargo, N.O.S." may be provided as a commodity description provided the term is clearly defined in the tariff where used. Tariffs governing the application of the rate tariff need not show a carrier as a participant when none of the provisions therein apply for such carrier's account.

(4) Allowances, cargo administrative charges, or reductions shall not be provided for payment to shippers or other parties for services performed by or facilities furnished by other than the carriers parties to the through transportation unless (i) such carriers by tariff publication hold themselves out to perform such services and furnish such facilities, (ii) such carriers are able to perform such services and furnish such facilities upon reasonable demand, and (iii) the performance of such services and furnishing of such facilities are included in the through joint rate or charge. This subparagraph does not apply where such provisions do not affect the division, rate, or charge accruing to the domestic carrier or the services performed by such carrier.

(5) A domestic carrier desiring to become a participant in a tariff filed in the name of a conference of ocean carriers, which conference does not publish as an agent, must give to its connecting ocean carrier participating in such conference tariffs a concurrence in tariffs issued and filed by the ocean carrier or the conference, or both. A limited concurrence may provide for only those limitations authorized in § 1310.27(c)(3) of this chapter. The concurrence forms prescribed by § 1310.27(c)(3) shall be modified to show that the authority extends to amendments to the tariff(s) and extends to tariffs filed in the name of the conference, and to show the types of tariffs (such as tariffs containing joint motor-ocean rates, et cetera) in which the domestic carrier desires to participate. Powers of attorney must not be executed unless the conference publishes as an agent.

(6) The following changes may be published to become effective upon a specified date not prior to the date

filed with the Commission in Washington, D.C., provided the division, rate, or charge accruing to the domestic carrier or a provision governing or affecting such division, rate, or charge does not change.

(i) A change in a published rate, charge, rule, regulation, or other provision which results in reduction or in no change in charges. This includes a change in a rate or charge which results in lessening or canceling a proposed (published but not yet effective) increase.

(ii) The establishment of a rate on a specific commodity not previously named in a tariff which results in a reduction or in no change in charges. The tariff must contain a cargo, N.O.S. rate or similar general cargo rate, which rate would otherwise be applicable to the specific commodity. The specific commodity rate must be equal to or lower than the cargo, N.O.S. or general cargo rate.

Except as otherwise provided in this subparagraph, no new or initial rate, charge, rule, regulation, or other provision and no new point of origin or destination may be published upon less than 30 days' notice. In no case may the establishment of or a change in a division, rate, or charge accruing to the domestic carrier or a provision governing or affecting such division, rate, or charge become effective upon less than 30 days' notice.

(7) If a tariff includes charges for terminal services, canal tolls, or additional charges not under the control of the carrier or conference, which carrier merely acts as a collection agent for the charges, and the agency making such charges to the carrier increases the charges without notice or without adequate notice to the carrier or conference, such charges may be increased in the tariff by specific publication effective upon a specified date not prior to the date filed with the Commission, in Washington, D.C., whether included in the joint rate or separately stated. If the change occurs in the division, rate, or charge accruing to the domestic carrier, the amendment must contain a statement explaining the charge.

(8) Every change made under authority of § 1310.33(b) (6) or (7) must be shown in an amendment (a supplement if the tariff is in bound form or a loose-leaf page if the tariff is in loose-leaf form) to the tariff. The rates, charges, rules, regulations, or other provisions authorized to be changed thereunder may be changed without their having been effective for 30 days prior to the effective date of the change.

(9) The regulations in § 1310.14 of this chapter—Suspension of Tariff Schedules—shall govern only when the operation of the division, rate, or charge accruing to the domestic carrier or any provision governing the division, rate, or charge or the service performed by such carrier is suspended by an order of this Commission.

(c) *Port combination basis.* Domestic and ocean carriers may enter into joint rate arrangements, as authorized by paragraph (b) of this section, and domestic carriers may at the same time maintain in effect rates applicable only from and to the ports, usable in combination with ocean carriers' independently established rates. Publication of such rates by the domestic carrier shall be subject to the following:

(1) The domestic carriers shall file their rates to the ports and from the ports, and such rates must be the same for all, regardless of which ocean carrier may be designated by the shipper except as otherwise provided by section 28 of the Merchant Marine Act (41 Stat. 988, 46 U.S.C. 884).

(2) When the domestic carriers publish rates which are indicated to apply only on export or import traffic, the tariffs containing such rates shall specify by inclusion or exclusion the countries to or from which traffic subject to such rates shall move, regardless of whether such countries are, or are not, adjacent to the United States. Tariffs shall also specify whether or not property destined to or coming from the Republic of Cuba, the Commonwealth of Puerto Rico, Guam, Hawaii, or the Canal Zone is subject to such rates. In the absence of a statement in tariffs limiting the application of export or import rates, such rates will apply on traffic destined to or coming from them.

(3) As a matter of convenience to the public, the domestic carriers may also publish as information in their tariffs the ocean carriers' rates or charges that will apply to or from a foreign country in connection with the domestic carriers' rates. When this is done, the ocean carriers' rates or charges are in no manner subject to the jurisdiction of this Commission, but the rates of the domestic carriers applying to or from the ports are subject to all provisions of the Interstate Commerce Act and to this Commission's regulations.

(d) *Through export and import billing.* Shipments exported and imported by ocean carriers may be forwarded under through billing, but through bills of lading must clearly separate the liability of the domestic carrier or carriers and of the ocean carrier. The name of the domestic carrier shall appear in a prominent place on the face of the bill of lading when that carrier originates the shipment. Tariffs which provide for the use of a specified kind of bill of lading shall reproduce all of the terms and conditions thereof.

§ 1310.34 [Reserved]

§1310.35 Codes for identification of places.

(a) *Definition.* As used in this part, the term "code for identification of places" means any numeric or alphabetic system used to represent, or identify, places, points, facilities, or locations.

(b) *Use.* Codes for identification of places may be used instead of, or in addition to, the naming of places, points, facilities, or locations; provided that an explanation of the code (showing the code together with the name of the place, point, facility, or location represented by the code) is contained in the same tariff utilizing the code, or in a separate tariff specifically named as a governing publication.

(c) *Listing.* When codes for identification of places are used in lieu of named places, and if the regulations in this part require the place names to be published in alphabetical order, the codes for identification of places shall be published in numerical order (if a numeric code) or in alphabetical order (if an alphabetic code).

[46 FR 34804, July 6, 1981]

§ 1310.36 Standard codes for commodity identification.

(a) *Definition.* As used in this part, the term "standard transportation commodity code" (STCC) means the standard transportation commodity codes assigned by the Association of American Railroads as contained in tariffs filed with the Commission.

(b) *Use.* Standard transportation commodity codes may be used instead of, or in addition to, the naming of commodities in tariffs or schedules. In the event that a tariff code description would be at variance with its accompanying named-commodity description, the presumption is that the named commodity description is accurate, and that the code description is inaccurate. This presumption may be rebutted by a showing of clear evidence of the commodity actually transported. Tariffs or schedules using the codes shall contain, or refer to a tariff publication which contains, the code assignments. Carriers do not need to be shown as participants in the code assignment tariff, and any tariff or schedule may refer to it. The standard transportation commodity codes are the only codes, standing alone, that may be used to identify commodities.

(c) *Listing.* When commodity codes are used in lieu of named commodities, and where the regulations in this part require commodity names to be published in alphabetical order, the standard transportation commodity codes shall be published in numerical order.

(5 U.S.C. 553; 49 U.S.C. 10762)

[45 FR 60441, Sept. 12, 1980]

PART 1311—TARIFF FILINGS FOR OWNER-OPERATOR FOOD TRANSPORTATION

§ 1311.1 Owner-operator food transportation.

(a) *Governing legislation and applicable provisions.* Owner-operators transporting property under certificates or permits issued under 49 U.S.C. 10922(b)(4)(E) and 10923(b)(5)(A) may, instead of filing schedules or tariffs under the provisions of 49 CFR 1307 and 1310, file a statement, in letter form, containing the transportation services the owner-operator will perform and the minimum rates to be applied to those services.

(b) *Statement of minimum rates.* Owner-operators shall file with the Section of Tariffs, Room 4360, Interstate Commerce Commission, Washington, D.C. 20423 a signed original and a copy of their statements setting forth the services to be performed and the minimum rates to be applied to those services. Each statement must (1) contain the owner-operator's full name, address and telephone number, and certificate or permit number, and (2) contain an effective date.

(c) *Changing rates.* If an owner-operator wishes to change a minimum rate schedule or tariff on file with the Commission, a new statement shall be filed. The new statement, cancelling the old one, shall state at the top of the statement the following:

> This rate and service statement cancels a rate and service statement dated (show the date of the previous statement).

The new statement shall in all respects comply with the requirements set forth in subpart (b) of this part.

(49 U.S.C. 10922(b)(4)(E), 10923(b)(5)(A), 10762(a)(1), 10762(g), and 11145(c), and 5 U.S.C. 553)

(46 FR 19498, Mar. 31, 1981)

PARTS 1320–1329—CREDIT REGULATIONS

PART 1320—EXTENSION OF CREDIT TO SHIPPERS BY RAIL CARRIERS

Sec.
1320.1 Carrier may extend credit to shipper.
1320.2-1320.4 [Reserved]
1320.5 Additional charges.
1320.6 Icing charges.
1320.7 Demurrage charges.
1320.8 Periods of credit following delivery.
1320.9 Periods of credit following presentation of freight bill.
1320.10 Presentation of freight bills.
1320.11 Time of presentation when mailed.
1320.12 Saturdays, Sundays, and legal holidays may be excluded from period.
1320.13 Time of collection when payment is mailed.
1320.14 [Reserved]
1320.15 Computation of credit period for payment of export traffic rates.
1320.16 Computation of credit period for payment of freight rates at interior California points not served by railroads.
1320.17 Interline settlement of revenues.

AUTHORITY: Secs. 3, 12, 24 Stat. 380, 383; 49 U.S.C. 3, 12, unless otherwise noted.

SOURCE: 32 FR 20618, Dec. 20, 1967, unless otherwise noted.

CROSS REFERENCES: For regulations with respect to carriers by motor vehicles governing extension of credit to shippers, see Part 1322 of this chapter. For settlement of rates and charges of common carriers by water, see Part 1323 of this chapter. For settlement of freight charges, see Part 1324 of this chapter.

§ 1320.1 Carrier may extend credit to shipper.

The carrier, upon taking precautions deemed by it to be sufficient to assure payment of the tariff charges within the credit periods specified in this part, may relinquish possession of freight in advance of the payment of the tariff charges thereon and may extend credit in the amount of such charges to those who undertake to pay such charges, such persons herein being called shippers, for a period of 4 days (or 5 days where retention or possession of freight by the carrier until traiff rates and charges thereon have been paid will retard prompt delivery or will retard prompt release of equipment or station facilities) as set forth in this part. In regard to traffic of nonprofit shippers' associations and shippers' agents, within the meaning of section 402(c) of part IV of the Interstate Commerce Act, the carriers shall require such organizations to furnish the names of the beneficial owners of the property in the bills of lading or at least have the bills of lading incorporate by reference a document containing the names of the beneficial owners.

[42 FR 23840, May 11, 1977]

§§ 1320.2—1320.4 [Reserved]

§ 1320.5 Additional charges.

Where a carrier has relinquished possession of freight and collected the amount of tariff charges represented in a freight bill presented by it as the total amount of such charges, and another freight bill for additional charges is thereafter presented to the shipper, the carrier may extend credit in the amount of such additional charges for a period of 30 days, to be computed as set forth in this part, from the date of the presentation of the subsequently presented freight bill.

Cross Reference: For presentation of freight bills and periods of credit following, see §§ 1320.9-1320.11.

§ 1320.6 Icing charges.

Where icing charges are not published in the tariffs at fixed amounts determinable at the time the shipment moves from point of origin, and where freight charges are prepaid and icing charges are to be paid by the consignor, the carrier, upon taking precautions deemed by it to be sufficient to assure prompt payment of the tariff charges within the credit period specified in this part, may relinquish possession of the freight in advance of the payment of the icing charges and may delay presentation of bills for such icing charges for a period not exceeding 15 days after the end of the calendar month during which the charges accrued and may extend credit in the amount of such charges for 15 days from the presentation of the bill for such charges.

§ 1320.7 Demurrage charges.

Where the amount of demurrage charges is determinable under average agreements made in accordance with tariff provisions, the carrier, upon taking precautions deemed by it to be sufficient to assure prompt payment of the tariff charges within the credit period, may delay the presentation of bills for such demurrage charges for a period not to exceed 15 days from the expiration of the authorized demurrage period and may extend credit in the amount of the demurrage charges accruing during the demurrage period for 15 days from the presentation of the bill for such charges.

§ 1320.8 Periods of credit following delivery.

Where the freight bill is presented to the shipper prior to, or at the time of, delivery of the freight, the 4- and 5-day period of credit shall run from the first 12 o,clock midnight following the delivery of the freight.

[42 FR 22370, May 3, 1977]

§ 1320.9 Periods of credit following presentation of freight bill.

Where the freight bill is presented to the shipper subsequent to the time the freight is delivered, the 4- and 5-day periods of credit shall run from the first 12 o'clock midnight following the presentation of the freight bill.

[42 FR 23840, May 11, 1977]

§ 1320.10 Presentation of freight bills.

Every carrier shall present freight bills for all transportation charges except those specifically excepted in this part to shippers prior to the first 12 o'clock midnight following forwarding of prepaid shipments or delivery of collect shipments except that when information sufficient to enable the carrier to compute the tariff charges is not then available to the carrier at the billing point, the freight bills shall be presented not later than the first 12 o'clock midnight following the day upon which sufficient information becomes available at the billing point of the carrier. A carrier shall not extend further credit to any shipper which fails to furnish sufficient information to allow the carrier to render a freight bill within a reasonable time after the shipment is tendered to the origin carrier. As used in this section the term "shipper" includes, but is not limited, to, freight forwarders as well as shippers' associations and shippers' agents within the meaning of section 402(c) of part IV of the Interstate Commerce Act.

§ 1320.11 Time of presentation when mailed.

Shippers may elect to have their freight bills presented by means of the United States mails, and when the mail service is so used the time of mailing by the carrier shall be deemed to be the time of presentation of the bills. In case of dispute as to the time of mailing the post mark shall be accepted as showing such time.

§ 1320.12 Saturdays, Sundays, and legal holidays may be excluded from period.

In the computation of the various periods of credit Saturdays, Sundays, and legal holidays may be excluded, and where the time for presentation to shippers of freight bills for transportation and related charges falls on Saturday, Sunday or a legal holiday such bills may be presented prior to 12 o'clock midnight of the next succeeding regular work day.

§ 1320.13 Time of collection when payment is mailed.

The mailing by the shipper of valid checks, drafts, or money orders, which are satisfactory to the carrier, in payment of freight charges within the credit periods allowed such shipper may be deemed to be the collection of the tariff charges within the credit period for the purposes of the rules in this part. In case of dispute as to the time of mailing the post mark shall be accepted as showing such time.

§ 1320.14 [Reserved]

§ 1320.15 Computation of credit period for payment of export traffic rates.

The period fixed of 4 days for the payment of transportation rates and charges, insofar as applicable to export traffic which is loaded into vessels direct from railroad cars or piers or from such cars or piers by means of lighters, may be computed from the first 4 p.m. following the time when the vessel is completely loaded, freight bills to be delivered to vessel owner or his representative not later than the day on which the loading of the vessel is completed.

(49 U.S.C. 301, 302, 304, 308, and 323 (5 U.S.C. 553, 559))

[42 FR 22370, May 3, 1977]

§ 1320.16 Computation of credit period for payment of freight rates at interior California points not served by railroads.

The period of 4 days fixed for the payment of transportation rates and charges, insofar as applicable to freight from and to Bartle, Calif., when destined to or from interior points described in the report, in Siskiyou, Shasta, and Modoc Counties, Calif., not served by railroad, may be computed from the first 4 p.m. following 26 days after the mailing by petitioner of the freight bills for such traffic.

(49 U.S.C. 301, 302, 304, 308, and 323 (5 U.S.C. 553, 559))

[42 FR 22370, May 3, 1977]

§ 1320.17 Interline settlement of revenues.

Nothing in this part shall be interpreted as affecting the interline settlement of revenues from traffic which is transported over through routes composed of lines of common carriers subject to parts I, II, or III of the Interstate Commerce Act.

PART 1321—EXTENSION OF CREDIT TO SHIPPERS BY EXPRESS COMPANIES

Sec.
1321.1 Credit period allowed; Saturdays, Sundays, and legal holidays may be excluded.
1321.2 Additional charges.
1321.3 Presentation of express bills.
1321.4 Time of collection when payment is mailed.

Authority: Secs. 3, 12, 24 Stat. 383, 386; 49 U.S.C. 3, 12.

Source: 32 FR 20619, Dec. 20, 1967, unless otherwise noted.

§ 1321.1 Credit period allowed; Saturdays, Sundays, and legal holidays may be excluded.

Upon taking precautions deemed by them to be sufficient to assure payment of the tariff charges within the credit period herein specified, express companies subject to Part I of the Interstate Commerce Act may relinquish possession of express in advance of the payment of the tariff charges thereon and may extend credit in the amount of such charges to those who undertake to pay them, such persons herein being called shippers, for a period of 7 days, excluding Saturdays, Sundays, and legal holidays, computed as hereinafter set forth. The credit period shall run from the first 12 o'clock midnight following the presentation of the express bill.

§ 1321.2 Additional charges.

Where an express company has relinquished possession of express and collected the amount of the tariff charges represented in an express bill presented by it as the total amount of such charges, and another express bill for additional express charges is thereafter presented to the shipper, the express company may extend credit in the amount of such additional charges for a period of 30 calendar days to be computed from the first 12 o'clock midnight following the presentation of the subsequently presented express bill.

§ 1321.3 Presentation of express bills.

Express bills for all transportation charges may cover all transactions, collect shipments delivered and prepaid shipments picked up, handled during a calendar week, designated as the billing week. Express bills for all transportation charges shall be presented to the shippers within 4 working days following the close of the billing week. When mail service is used the time of mailing by the carrier shall be deemed to be the time of presentation of the bills. In case of dispute as to the time of mailing, the postmark shall be accepted as showing such time.

§ 1321.4 Time of collection when payment is mailed.

The mailing by the shipper of valid checks, drafts or money orders, which are satisfactory to the express company, in payment of express charges within the credit period allowed such shipper may be deemed to be the collection of the tariff rates and charges within the credit period for the purpose of these rules. In case of dispute as to the time of mailing, the postmark shall be accepted as showing such time.

PART 1322—EXTENSION OF CREDIT TO SHIPPERS BY MOTOR CARRIERS

Sec.
1322.1 Carrier may extend credit to shipper.
1322.2 Credit for additional charges after freight relinquished.
1322.3 Period of credit following delivery of freight.
1322.4 Freight bills may be presented by mail.
1322.5 Payment by checks, drafts, or money orders.
1322.6 Charge card plans not included (under credit regulations).

AUTHORITY: 49 Stat. 546, as amended, 565; 49 U.S.C. 304, 323 unless otherwise noted.

SOURCE: 32 FR 20619, Dec. 20, 1967, unless otherwise noted.

§ 1322.1 Carrier may extend credit to shipper.

(a) Upon taking precautions deemed by them to be sufficient to assure payment of the tariff charges within the credit period herein specified, common carriers by motor may relinquish possession of freight in advance of payment of the tariff charges thereon and may extend credit in the amount of such charges to those who undertake to pay them, such persons herein being called shippers, for a period of 7 days excluding Saturdays, Sundays, and legal holidays. When the freight bill covering a shipment is presented to the shipper on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following delivery of the freight. When the freight bill is not presented to the shipper on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following the presentation of the freight bill. In regard to traffic of nonprofit shippers' associations and shippers' agents, within the meaning of section 402(c) of part IV of the Interstate Commerce Act, the carriers shall require such organizations to furnish the names of the beneficial owners of the property in the bills of lading or at least have the bills of lading incorporate by reference a document containing the names of the beneficial owners.

(b) [Reserved]

(c) *Exceptions—Carriers of household goods.* The provisions of paragraphs (a) and (b) of this section shall not apply in any instance in which the carrier shall be required by § 1056.8(b) of this chapter, "Transportation of household goods in interstate or foreign commerce," to relinquish possession of a shipment of household goods in advance of the payment of the total amount of the tariff charges thereon (49 Stat. 546, as amended, 565; 49 U.S.C. 304, 323).

(d) *Exceptions—Carriers of household goods.* Except as provided in paragraph (c) of this section, motor common carriers of household goods must also provide in their tariffs that (1) the aforestated credit period of 7 days excluding Saturdays, Sundays, and legal holidays shall automatically be extended to a total of 30 calendar days for any shipper who has not paid the carrier's freight bill within the aforesaid 7-day period, (2) such shipper will be assessed a service charge by the carrier equal to 1 percent of the amount of said freight bill, subject to a $10 minimum charge, for such extension of the credit period, and (3) no such carrier shall grant credit to any shipper which fails to pay a duly presented freight bill within the 30-day period, unless and until such shipper affirmatively satisfies the carrier that all future freight bills duly presented will be paid strictly in accordance with the rules and regulations prescribed by the Commission for the settlement of carrier rates and charges. *Provided,* That no service charge authorized herein shall be assessed in connection with rates and charges on freight transported for the United States, for any department, bureau, or agency thereof, or for any State or territory, or political subdivision thereof, or for the District of Columbia.

(49 U.S.C. 301, 302, 308, 49 U.S.C. 10321, 10704, 10743; (5 U.S.C. 553, 559))

[35 FR 4758, Mar. 19, 1970, as amended at 39 FR 29188, Aug. 14, 1974; 40 FR 41529, Sept. 8, 1975; 44 FR 57930, Oct. 9, 1979; 44 FR 10603, Feb. 22, 1979]

§ 1322.2 Credit for additional charges after freight relinquished.

Where a common carrier by motor vehicle has relinquished possession of freight and collected the amount of tariff charges represented in a freight bill presented by it as the total amount of such charges, and another freight bill for additional charges is thereafter presented to the shipper, the carrier may extend credit in the amount of such additional charges for a period of 30 calendar days, to be computed from the first 12 o'clock midnight following the presentation of the subsequently presented freight bill.

§ 1322.3 Period of credit following delivery of freight.

Freight bills for all transportation charges shall be presented to the shippers within 7 calendar days from the first 12 o'clock midnight following delivery of the freight except that motor common carriers of household goods and motor common carriers of oilfield equipment shall present their freight bills for all transportation charges to the shipper within 15 calendar days, excluding Saturdays, Sundays, and holidays, from the first 12 o'clock midnight following delivery of the freight.

[38 FR 18253, July 9, 1973]

§ 1322.4 Freight bills may be presented by mail.

Shippers may elect to have their freight bills presented by means of the United States mails, and when the mail service is so used the time of mailing by the carrier shall be deemed to be the time of presentation of the bills. In case of dispute as to the time of mailing, the postmark shall be accepted as showing such time.

§ 1322.5 Payment by checks, drafts, or money orders.

The mailing by the shipper of valid checks, drafts, or money orders, which are satisfactory to the carrier, in payment of freight charges within the credit period allowed such shipper, may be deemed to be the collection of the tariff charges within the credit period for the purposes of the rules in this part. In case of dispute as to the time of mailing, the postmark shall be accepted as showing such time.

§ 1322.6 Charge card plans not included (under credit regulations).

The provisions of this Part shall not apply to the payment of interstate transportation charges by use of charge cards as provided in 49 CFR 1059.19 and when the shipper of household goods does not force an involuntary extension of credit by the carrier by causing the charge card issuer to reverse the charge transaction and charge payments back to the carrier's account.

(5 U.S.C. 553; 49 U.S.C. 10321, 11109, 11110)

[46 FR 16224, Mar. 11, 1981]

PART 1323—SETTLEMENT OF RATES AND CHARGES OF COMMON CARRIERS BY WATER

Sec.
1323.1 Relinquishment of freight in advance of payment of charges.
1323.2 Extension of credit for 48-hour period.
1323.3 Extension of credit for 96-hour period.
1323.4 Computation of credit period.
1323.5 Presentation of freight bills; mailing.
1323.6 Extension of credit for additional charges.
1323.7 Extension of credit for demurrage charges.
1323.8 Collection of freight charges; mailing.

AUTHORITY: Secs. 304, 318, 54 Stat. 933, 949; 49 U.S.C. 904, 918.

SOURCE: 32 FR 20620, Dec. 20, 1967, unless otherwise noted.

§ 1323.1 Relinquishment of freight in advance of payment of charges.

All common carriers of property by water subject to Part III of the Interstate Commerce Act, after having taken precautions deemed by them to be sufficient to assure payment of their freight charges within the credit periods hereinafter specified, such as examination of the credit rating of the person or persons undertaking to pay the freight charges or the obtaining of satisfactory surety bonds, are hereby authorized to relinquish possession of freight at destination or in advance of the payment of the tariff charges lawfully due thereon and to extend credit to those who undertake to pay such charges, as hereinafter authorized.

§ 1323.2 Extension of credit for 48-hour period.

Except as otherwise provided in § 1323.3, credit may be extended for a period not exceeding 48 hours, computed as provided in § 1323.4.

§ 1323.3 Extension of credit for 96-hour period.

When retention of possession of freight by the carrier until the tariff rates and charges thereon have been paid will retard prompt delivery or will retard prompt release of equipment or terminal facilities of the carrier, credit may be extended for a period not exceeding 96 hours, computed as provided in § 1323.4.

§ 1323.4 Computation of credit period.

(a) When the freight bill is presented to the person or persons undertaking to pay the charges prior to, or at the time of, delivery of the freight, the 48-hour and 96-hour periods of credit shall run from the first 12 o'clock midnight following delivery of the freight.

(b) When the freight bill is presented to the person or persons undertaking to pay the charges subsequent to the time the freight is delivered, the 48-hour and 96-hour periods of credit shall run from the first 12 o'clock midnight following presentation of the freight bill.

(c) In the computation of the various periods of credit Saturdays, Sundays, and legal holidays may be excluded, and where the time for presentation of freight bills for transportation and related charges falls on Saturday, Sunday or a legal holiday such bills may be presented prior to 12 o'clock midnight of the next succeeding regular work day.

§ 1323.5 Presentation of freight bills; mailing.

(a) Except as otherwise provided in paragraph (b) of this section and in §§ 1323.4, 1323.6, and 1323.7, carriers shall present freight bills for all transportation charges to the person or persons undertaking to pay those charges as promptly as practicable but in every case prior to the second 12 o'clock midnight following delivery of the freight.

(b) When information sufficient to enable the carrier to compute the tariff charges is not available to the carrier at the point where it computes the charges, presentation of the freight bill may be delayed until such information is available. In such cases it shall be the duty of the shipper (or consignee, as the case may be) to present, and of the carrier to obtain, the information as promptly as practicable. If, in any case, the necessary information has not become available to the carrier at the point where it computes the charges within 15 days after delivery of the freight, carrier shall present the freight bill and collect charges based upon the best information in its possession and arrange for correction later when detailed information is furnished.

(c) The person or persons undertaking to pay freight charges may elect to have their freight bills presented by means of the United States mails. When mail service is so used, the time of mailing by the carrier shall be deemed to be the presentation of the bills. In case of dispute as to the time of mailing, the post mark shall be accepted as showing such time.

§ 1323.6 Extension of credit for additional charges.

Where carrier has relinquished possession of freight and collected the amount of tariff charges represented in a freight bill presented by it as the total amount of such charges and another freight bill for additional charges is thereafter presented to the shipper the carrier may extend credit in the amount of such additional charges for a period of 30 days, to be computed as herein set forth, from the date of the presentation of the subsequently presented freight bill.

§ 1323.7 Extension of credit for demurrage charges.

Where the amount of demurrage charges is determinable under average agreements made in accordance with tariff provisions the carrier may delay the presentation of bills for such demurrage charges for a period not to exceed 15 days from the expiration of the authorized demurrage period and may extend credit in the amount of the demurrage charges accruing during the demurrage period for 15 days from the presentation of the bill for such charges.

§ 1323.8 Collection of freight charges; mailing.

Mailing by the person or persons paying the freight charges of valid checks, drafts, or money orders, which are satisfactory to the carrier, in payment of freight charges within the credit periods allowed, may be deemed to be the collection of the tariff charges within the credit period. In case of dispute as to the time of mailing, the post mark shall be accepted as showing such time.

PART 1324—SETTLEMENT OF FREIGHT CHARGES BY FREIGHT FORWARDERS

§ 1324.1 Credit for freight charges on forwarder freight by freight forwarders subject to part IV of the Interstate Commerce Act and by common carriers by motor vehicle subject to part II of that act collecting charges for such forwarders.

The rules and regulations prescribed in Part 1322 of this chapter, governing the extension of credit for freight charges by common carriers by motor vehicle in case of service subject to part II of the Interstate Commerce Act, shall apply on and after August 14, 1942, to freight forwarders subject to part IV of the Interstate Commerce Act and to common carriers by motor vehicle subject to part II of that act when collecting charges for such forwarders, in the case of service subject to part IV of that act.

(Secs. 403, 414, 56 Stat. 285; 296; 49 U.S.C. 1003, 1014)

[32 FR 20621, Dec. 20, 1967]

PART 1325—EXTENSION OF CREDIT TO CANDIDATES FOR FEDERAL OFFICE OR THEIR REPRESENTATIVES

Sec.
1325.1 Extension of unsecured credit prohibited.
1325.2 Credit agreements.
1325.3 Federal office.

AUTHORITY: Pub. L. 92-225, the Federal Election Campaign Act of 1971, enacted Feb. 7, 1972.

SOURCE: 37 FR 10446, May 23, 1972, unless otherwise noted.

§ 1325.1 Extension of unsecured credit prohibited.

Persons subject to regulation by the Interstate Commerce Commission shall not knowingly and willfully provide, for candidates for Federal office or their representatives, service or goods related to their campaign without obtaining either prepayment or a binding guarantee of payment through a sufficient deposit, bond, collateral, or other means of security. The extension of credit to such persons shall not exceed the amount of the security posted.

§ 1325.2 Credit agreements.

(a) All agreements to extend credit to candidates for Federal office or their representatives by persons subject to regulation by the Interstate Commerce Commission, (1) must be in writing, (2) must contain a detailed description of the deposit, bond, collateral, or other means of security, used to secure payment of the debt, and (3) must be signed by all parties to the agreement. A copy of each such agreement must be filed with this Commission's Bureau of Operations in Washington, D.C., within 20 days of the date of its execution.

§ 1325.3 Federal office.

For the purposes of this section, "Federal office" means the office of President or Vice President of the United States; or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States.

PARTS 1330–1339—GENERAL

PART 1330—FILING QUOTATIONS FOR GOVERNMENT SHIPMENTS AT REDUCED RATES

Sec.
1330.1 Applicability.
1330.5 Manner of submitting quotations.

§ 1330.1 Applicability.

The provisions of this part shall apply to copies of quotations or tenders made by all common carriers by railroad, including express and sleeping-cars companies, by pipeline, by motor vehicle, and by water, and freight forwarders, to the United States Government, or any agency or department thereof, for the transportation, storage or handling of property or the transportation of persons free or at reduced rates as permitted by 49 U.S.C. 10721, except quotations or tenders which, as indicated by the United States Government or any department or agency thereof to any carrier or carriers, involves information the disclosure of which would endanger the national security.

(49 U.S.C. 10321, 10721)

[43 FR 59844, Dec. 22, 1978]

§ 1330.5 Manner of submitting quotations.

(a) *General.* Copies of all quotations or tenders by common carriers to which this part applies, concerning rates, fares, or charges for the transportation, storage, or handling of property, or the transportation of persons free or at reduced rates, including quotations or tenders for retroactive application whether negotiated or renegotiated after the services have been performed, which are submitted to the Interstate Commerce Commission on and after the effective date of this part in conformity with the provisions of paragraph (b)(2) of 49 U.S.C. 10721 shall conform to this section.

(b) *Copy to be submitted concurrently with submittal to government agen-*

cies. One exact copy of the quotation or tender shall be submitted to the Commission concurrently with the submittal of the quotation or tender to the Federal department or agency for whose account the quotation or tender is offered or the proposed services are to be rendered. The copy will be maintained at the Washington office of this Commission. It shall be signed and shall clearly indicate the name and official title of the officer executing the document. The copy filed with the Commission shall be numbered consecutively in a series maintained by the carrier or agent beginning with "1".

(c) *Filing procedure.* The copy shall be filed with a letter of transmittal which shall clearly indicate that it is being filed in accordance with the requirements of Section 10721. It must be addressed to the "Interstate Commerce Commission, Washington, D.C. 20423", with the envelope marked as containing "Government Shipment Quotation", and delivered free of all charges. If receipt for the document is desired, the letter of transmittal must be sent in duplicate, and one copy showing date of receipt by the Commission will be returned to the sender.

(d) *Quotation or tender superseding prior one.* A quotation or tender which supersedes a prior quotation or tender shall cancel, by a statement shown immediately under the number of the new document, the prior document by number

(49 U.S.C. 10321, 10721)

[43 FR 59844, Dec. 22, 1978]

PART 1331—SECTION 10706 APPLICATIONS

APPLICATIONS FOR AUTHORITY TO ESTABLISH OR CONTROL AGREEMENTS BETWEEN OR AMONG CARRIERS

Sec.
1331.1 Form and contents of application.
1331.2 Required exhibits.
1331.3 Procedure.
1331.4 New parties to an agreement.

AUTHORITY: Sec. 12, 24 Stat. 383, as amended; 62 Stat. 472; 49 U.S.C. 5b, 12, unless otherwise noted.

SOURCE: 32 FR 20621, Dec. 20, 1967, unless otherwise noted.

APPLICATIONS FOR AUTHORITY TO ESTABLISH OR CONTROL AGREEMENTS BETWEEN OR AMONG CARRIERS

§ 1331.1 Form and contents of application.

The application and supporting exhibits shall conform to Rule 15 of the general rules of practice (§ 1100.15 of this chapter) and shall show, in the order indicated, with the following paragraph designations, the following information:

(a) Full and correct name and business address (street and number, city and ZIP Code, county and State) of the carrier applicant or applicants (hereinafter called applicant); whether applicant is a corporation, individual, or partnership; if a corporation, the government, State or territory under the laws of which the applicant was organized and received its present charter, and if a partnership, the names of the partners and date of formation of the partnership.

(b) Full and correct name and business address (city and State) of each carrier on whose behalf the application is filed and whether it is a corporation, individual, or partnership.

(c) Whether applicant and each carrier on whose behalf the application is filed is a carrier by railroad, motor vehicle, or water, a freight forwarder, or express, sleeping-car, or pipe-line company.

(d) If the agreement of which approval is sought pertains to a conference, bureau, committee, or other organization, a complete description of such organization, including any subunits, and of its or their functions and methods of operation, together with a description of the territorial scope of such operations; and, if such organization has a working or other arrangement or relationship with any other organization, a complete description of such arrangement or relationship. If the agreement is of any other character, a precise statement of its nature and scope and the mode of procedure thereunder.

(e) The facts and circumstances relied upon to establish that the agreement will be in furtherance of the national transportation policy declared in the Interstate Commerce Act, as amended.

(f) The name, title, and post office address of counsel, officer, or other person to whom correspondence in regard to the application is to be addressed.

§ 1331.2 Required exhibits.

There shall be filed with and made a part of each original application, and each copy, the following exhibits:

(a) As Exhibit 1, a true copy of the agreement.

(b) As Exhibit 2, if the agreement pertains to a conference, bureau, committee, or other organization, a copy of the constitution, by-laws, or other documents or writings, specifying the organization's powers, duties, and procedures, unless incorporated in the agreement filed as Exhibit 1.

(c) As Exhibit 3, if the agreement relates to a conference, bureau, committee, or other organization, an organization chart.

(d) As Exhibit 4, if the agreement relates to a conference, bureau, committee, or other organization, a schedule of its charges to members or, where expenses are divided among the members, a statement showing how the expenses are divided.

(e) As Exhibit 5, opinion of counsel for applicant that the application made meets the requirements of law as set forth in 49 U.S.C. 10706 and will be legally authorized if approved by the Commission, with specific reference to any specially pertinent provisions of articles of incorporation or association.

(49 U.S.C. 10321, 10706)

[32 FR 20621, Dec. 20, 1967, as amended at 45 FR 86736, Dec. 31, 1980]

§ 1331.3 Procedure.

The following procedure shall govern the execution, filing, and disposition of the application:

(a) The original application shall be made under oath and shall be signed in ink by applicant, if an individual; by all partners, if a partnership; and if a corporation, by an executive officer having knowledge of the matters therein contained; and shall show, among other things, that the affiant is duly authorized to verify and file the application.

(b) The original application and supporting papers and twenty copies thereof for the use of the Commission shall be filed with the Secretary of the Interstate Commerce Commission, Washington, D.C. 20423. Each copy shall bear the dates and signatures that appear in the original and shall be complete in itself, but the signatures in the copies may be stamped or typed, and the officer's seal may be omitted.

(c) A copy of the application shall be served by applicant by first-class mail upon the regulatory body having jurisdiction as to rates, fares, or charges of each State, territory, or district embraced within the scope of the agreement, and the original application filed with the Commission shall include a certificate naming the bodies upon whom the application has been so served.

(d) A public notice will be issued by the Commission and filed with the Director of the Federal Register stating the fact that an application has been filed under these rules and indicate how a hearing on such application may be obtained.

(e) A protest against the granting of an application should be filed in accordance with Rule 40 of the general rules of practice (§ 100.40 of this chapter).

(f) To the extent that matters of procedure are not covered by these special rules, the Commission's general rules of practice shall apply.

§ 1331.4 New parties to an agreement.

Where a carrier becomes a party to an agreement which has been approved by the Commission, such approval will extend and be applicable to such carrier upon the filing with the Commission by the carrier or its authorized agent of a verified statement that it has become a party to the agreement, which statement shall show the information required by § 1331.1(b): *Provided* (a) That such carrier is not, under the agreement, to act with carriers of a different class, within the meaning of 49 U.S.C. 10706 (d), except as the agreement relates to transportation under joint rates or over through routes, and (b) that no change is made in the agreement except the addition of such carrier.

(49 U.S.C. 10321, 10706)

[32 FR 20621, Dec. 20, 1967, as amended at 45 FR 86736, Dec. 31, 1980]

PART 1332—FILING CONTRACTS FOR SURFACE MAIL TRANSPORTATION

Sec.
1332.1 Applicability.
1332.3 Manner of submitting contracts.

§ 1332.1 Applicability.

The provisions of this part shall apply to copies of all contracts or agreements entered into by the U.S. Postal Service with any common carrier by rail or motor vehicle (including passenger-carrying vehicle), or freight forwarder, express company, or other person, for the surface transportation of mail as authorized by Chapters 50 and 52 of title 39, United States Code, as revised and reenacted by the Postal Reorganization Act, 84 Stat. 719, 39 U.S.C. 5001 and 5201.

(Sec. 5005(b)(3), 84 Stat. 767, 39 U.S.C. 5005)

[36 FR 6426, Apr. 3, 1971]

§ 1332.3 Manner of submitting contracts.

(a) *General.* Copies of all contracts or agreements executed between the U.S. Postal Service and any carrier or other person to which this part applies, concerning the rates or compensation and conditions for performance of surface transportation of mail, shall conform to the provisions of paragraphs (b), (c), (d), and (e) of this section.

(b) *Duplicate filing required.* Exact copies of all contracts or agreements shall be filed in duplicate. One copy will be maintained at the Washington office of this Commission for public inspection. Both copies may be photocopies: *Provided,* That they both shall be photocopies of the signed original, and that they both clearly indicate the names and, when applicable, the official titles of the officers or officials executing the document on behalf of the respective contracting parties.

(c) *Filing procedure.* The U.S. Postal Service shall file both copies of the mail transportation service contract or agreement with this Commission at least 15 days prior to the effective date of the contract (except as to agreements of an emergency temporary nature, pursuant to section 5001, title 39 U.S.C. 5001, which may be filed retroactively as promptly as possible), together with a letter of transmittal identifying the accompanying contract or agreement. The letters and envelopes shall clearly indicate that the enclosures are "Mail Transportation Contracts." If receipt for the accompanying documents is desired, the letter of transmittal must be sent in duplicate, and one copy showing the date of receipt at the Commission will be returned to the sender.

(d) *Numbering.* The copies of contracts or agreements which are filed with this Commission shall be separately filed for each carrier or person and shall be numbered consecutively in a series maintained for each carrier or person by the full and correct name and business address, beginning with the number "1," or in such other manner as the U.S. Postal Service and this Commission mutually agree.

(e) *Renewal and replacement contracts.* Copies of all orders issued by the U.S. Postal Service terminating contracts prior to their normal expiration date shall be filed with this Commission. Copies of all contracts renewing or replacing prior contracts shall also be filed. Such orders and contracts will show the numbers of prior contracts which are thereby terminated, renewed, or replaced.

(Sec. 5005(b)(3), 84 Stat. 767, 39 U.S.C. 5005)

[36 FR 6426, Apr. 3, 1971, as amended at 36 FR 13033, July 13, 1971]

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